



Third Taxing District

2 Second Street
East Norwalk, CT 06855

Tel: (203) 866-9271
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October 15, 2017

Senator Heather Somers
State Senator – 18th District (CT)
Legislative Office Building
300 Capitol Avenue - Suite 3400
Hartford, CT 06106-1591

To the Honorable Senator Somers,

We are in receipt of your letter dated September 20, 2017 addressed to the Mayor of Norwalk regarding the passage of Public Act No. 17-73.

We are writing to respectfully correct your records with reference to the Third Taxing District of the City of Norwalk to ensure that we receive such communications in a timely fashion.

The Third Taxing District-City of Norwalk ("TTD"), formerly known as the East Norwalk Fire District is a separate municipal corporation within the City of Norwalk *Special Acts No. 352 (1933); Charter of the Third Taxing District of the City of Norwalk*, Section 1-114. Under the definition of "municipality" found in 7-233b (9), TTD is a municipality by virtue of ownership of an electric utility with the authority to "produce, supply or distribute electric energy". The TTD is governed by three elected commissioners with full municipal powers, including the authority to tax and to make appropriations under the charter Sec. 1-114; 117-118, and who function as the legislative body of the municipality.

Though he is the elected executive officer of the municipality of Norwalk, Mayor Rilling has no role in the operation of the TTD municipality, nor does the TTD direct or confer any power to the Mayor, as that is the role of the legislative body of that municipality—the Common Council.

When combined with the fact that this letter was copied to our former General Manager, who retired in July, there was a significant delay in the presentation of this letter to the Commissioners.

We respectfully request that any matters that are the proper purview of the elected Commissioners of the TTD be addressed to the Chairman (Currently Chairman David Brown) and copied to our General Manager (beginning October 23rd, that will be Kevin Barber).

Sincerely,

David L. Brown, Chairman
On behalf of
The Third Taxing District – City of Norwalk

District Commissioners

David L. Brown	203-866-8099	Chairman	Kevin Barber	203-866-9271	General Manager
Charles L. Yost	203-853-0837	Commissioner	Ron Scofield	203-866-9271	Assistant General Manager
Debora Goldstein	203-252-7214	Commissioner	Michael Intrieri	203-866-3001	Treasurer

**SENATOR HEATHER SOMERS
EIGHTEENTH DISTRICT**

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**State of Connecticut
SENATE**

SENATE REPUBLICAN MAJORITY WHIP

CO-CHAIR
PUBLIC HEALTH COMMITTEE
VICE-CHAIR
EDUCATION COMMITTEE
ENVIRONMENT COMMITTEE
HIGHER EDUCATION & EMPLOYMENT COMMITTEE
MEMBER
APPROPRIATIONS COMMITTEE

September 20, 2017

Harry Rilling
Mayor-City of Norwalk
125 East Avenue
P.O Box 5125
Norwalk, CT 06856

Dear Mayor Rilling,

As October 1st approaches, legislation enacted in Public Act No. 17-73 will begin to take effect. In this Public Act it is required of municipalities where a member utility operates that they appoint one representative to the governing body of the Connecticut Municipal Electrical Energy Cooperative. This municipally appointed representative must be a commercial or residential ratepayer of the member utility operating within the legislative body's municipality.

Representatives appointed by the municipal legislative bodies cannot hold an official position or be employed by:

1. The member utility's governing body
2. The municipality in which the utility operates
3. The governing body of any other member utility
4. The municipality in which any other member utility operates
5. Connecticut Municipal Electrical Energy Cooperative

Enclosed is a summary of Public Act No. 17-73 published by the Office of Legislative Research should you wish to look into the act further.

Sincerely,

A handwritten signature in cursive script that reads 'Heather Somers'.

Heather Somers
State Senator-18th District (CT)

Cc: Paul Yatchko-South Norwalk Electric and Water
James Smith-Norwalk Third Taxing District

PA 17-73—sSB 4

Energy and Technology Committee

**AN ACT CONCERNING MUNICIPAL ELECTRIC UTILITY COOPERATIVES AND
ESTABLISHING A MUNICIPAL ELECTRIC CONSUMER ADVOCATE**

SUMMARY: This act requires a municipal electric energy cooperative (i. e. , the Connecticut Municipal Electric Energy Cooperative (CMEEC)) to hold its meetings, public hearings, strategic retreats, or similar activities in Connecticut (see BACKGROUND). It also requires CMEEC, its member utilities, and member utilities' municipalities, to post notices, agendas, and minutes for meetings and public hearings on their websites. It requires CMEEC's cooperative utility board to approve, at a meeting, strategic retreats and similar activities.

Existing law requires CMEEC's cooperative utility board to include as members between two and six people from each member utility. The act requires one of those representatives to be a ratepayer appointed by the legislative body of the municipality where the member utility operates. The act includes certain requirements and restrictions on this appointment and makes conforming changes.

The act requires CMEEC to (1) have a forensic examination, conducted by a certified forensic auditor, that includes a review of its revenues and expenditures for the preceding five years and (2) report annually to the Energy and Technology Committee on the forensic auditor's most recent reports, CMEEC's annual report, and employee positions and salaries, among other things.

The act also creates the position of municipal electric consumer advocate to act as an independent advocate for consumer interests in all matters affecting CMEEC's customers, including electric rates. The act describes the consumer advocate's duties, selection, and qualifications. Under the act, CMEEC must pay up to \$70,000 for costs related to the consumer advocate in the first year and up to \$50,000 in subsequent years.

EFFECTIVE DATE: October 1, 2017, except for the municipal electric consumer advocate provisions, which are effective upon passage.

RATEPAYERS AS BOARD MEMBERS

Under prior law, the governing bodies of CMEEC's member utilities appointed the members of its cooperative utility board. The act requires the board to include one person appointed by the legislative body of each municipality where a member utility operates. For each representative it appoints, the municipal legislative body must prescribe the representative's (1) qualifications and (2) terms of office (both for the original representative and any successors). It must also prescribe and approve the representative's compensation, if any, by either CMEEC or the municipal legislative body. Each municipally appointed representative must be a commercial or residential ratepayer of the member utility operating in the legislative body's municipality. Under the act, the representative cannot hold an official position in, or be employed by:

1. the member utility's governing body,
2. the municipality in which the utility operates,
3. the governing body of any other member utility,

4. the municipality in which any other member utility operates, or
5. CMEEC.

The act makes conforming changes, extending certain provisions applying to member utilities and their representatives to municipal legislative bodies and their representatives. Like member utilities, municipal legislative bodies may (1) reimburse their representatives for travel expenses related to board member services and (2) remove their representative at any time, with or without cause. Like member utilities, municipalities must appoint representatives to the board for any municipal electric utility joining CMEEC, with the same terms and qualifications that apply to existing members. The act also extends to municipal legislative bodies' representatives provisions calculating the number of votes of each representative based on megawatt-hours purchased by the member utility in certain circumstances.

EVENT LOCATION AND POSTING REQUIREMENTS

Meetings and Public Hearings

Existing law allows CMEEC's cooperative utility board to hold meetings and public hearings as it deems desirable. The act requires the board to hold these meetings and public hearings in the state. It also requires CMEEC to post on its website and provide to participants (e. g. , municipal utilities) notice of and the agenda for each meeting and public hearing, with any changes, at least five days before the meeting or hearing. The participants must post the information on their websites at least four days before the meeting or hearing and provide it to the municipalities where they operate. The municipalities must post it on their websites at least three days before the meeting or hearing.

Under the act, within five days after a meeting or public hearing, CMEEC must post the minutes on its website and provide them to participants. The minutes must include any actions taken, motions voted, and resolutions adopted. The act requires the participants to post the minutes on their websites within six days after the hearing or meeting and provide them to municipalities where they operate. The municipalities must post the minutes on their websites within seven days after the meeting or hearing.

Strategic Retreats and Similar Activities

Under the act, if CMEEC holds a strategic retreat or similar activity, it must do so in the state. The act requires CMEEC's cooperative utility board to approve, at a meeting, the retreat or activity, including its location, purpose, planned participants, entertainment, and gifts of any value. Under the act, any retreat or similar activity must include meetings to conduct business and must not include any entertainment or gifts other than those the board approved. Under the act, CMEEC must provide the board with an agenda, a list of attendees, and the meeting minutes within five days after the retreat or activity.

REPORTS AND AUDITS

Forensic Examination

The act requires CMEEC to have a forensic examination, conducted by a certified forensic auditor, that includes a review of CMEEC's revenue and expenditures for the preceding five years. The act requires the auditor to submit two reports. One report must include an opinion on CMEEC's financial statements and a management letter. The second must include an opinion on conformance of

CMEEC's operating procedures with state law and CMEEC's bylaws and any recommendations for corrective actions needed to ensure conformance.

The act requires CMEEC to post the reports on its website and provide them to participants (e. g. , municipal utilities) within seven days after receiving them. Participants must post the reports on their websites and provide them to their municipalities within five days after receiving them from CMEEC. The municipalities must post them to their websites within five days after receiving them from participants.

Report to the Energy Committee

The act requires CMEEC to submit an annual report to the Energy and Technology Committee that includes a list of the cooperative utility board's current members and officers and copies of CMEEC's:

1. most recent annual report;
2. most recent audited financial statements, management letter, and forensic auditor's reports;
3. conflict of interest policy, if it has one;
4. most recently filed IRS form 990, including all parts and schedules available for public inspection under federal law; and
5. bylaws.

Additionally, CMEEC's annual report to the committee must list each employee's position, salary, wages, and fringe benefit expenses.

MUNICIPAL ELECTRIC CONSUMER ADVOCATE

Establishment and Cost

The act establishes the position of municipal electric consumer advocate to act as an independent advocate for consumer interests in all matters affecting CMEEC's customers, including electric rates. Under the act, CMEEC must pay for costs related to the consumer advocate, including hourly fees and necessary expenses. The act limits such costs to \$70,000 for the first year and \$50,000 for each subsequent year, unless the consumer advocate demonstrates a substantial need and CMEEC's board approves it.

These provisions of the act do not prevent any interested person, including individual consumers or groups of consumers, from participating in any CMEEC meeting or hearing on their own behalf or through counsel.

The act requires CMEEC to promptly adopt any necessary changes in its rules, regulations, or other governing documents to carry out the act's requirements concerning the consumer advocate.

Duties

The act allows the consumer advocate to appear and participate in CMEEC matters or any other federal or state regulatory or judicial proceeding that may involve CMEEC customers. Under the act, in carrying out his or her duties, the consumer advocate:

1. has access to CMEEC's records and the right to make a reasonable number of copies of them;
2. may ask CMEEC's technical and legal experts for assistance; and
3. has the benefit of all other CMEEC information, except employment records and other internal documents not relevant to the consumer advocate's duties.

Selection and Qualifications

Beginning in 2017, the act requires the consumer counsel to select the consumer advocate before November 1 in each odd-numbered year for a two-year term to start on the following January. The act allows the consumer counsel to terminate the consumer advocate before the two-year term for misconduct, material neglect of duty, or incompetence.

Under the act, the consumer advocate must be a member of the state's bar with private legal experience in public utility law and policy. He or she must not have any conflict of interest under the Rules of Professional Conduct in representing CMEEC's consumers as a class. Under the act, the advocate must be independent of CMEEC's board and cannot be a CMEEC board member. CMEEC's board cannot remove the consumer advocate for any reason, and the act prohibits the board from directing or overseeing the consumer advocate's activities. CMEEC's board must cooperate with the consumer advocate's reasonable requests to enable the advocate to effectively perform his or her duties and functions.

Reports and Public Forums

The act requires the consumer advocate to prepare reports of his or her activities concerning CMEEC and, at the end of each calendar quarter, submit the reports to (1) CMEEC, (2) the chief elected official of each municipality where a CMEEC participant operates, and (3) the consumer counsel. The act requires CMEEC and the consumer counsel to post the reports on their websites.

The act also requires the consumer advocate to hold a public forum annually on the second Wednesday of October to describe his or her recent activities and to receive consumer feedback. The forum must be held where CMEEC holds hearings. The act requires CMEEC to publicize the forum (1) through an announcement at its preceding scheduled meeting, (2) on its website, and (3) in a notice on or attached to its consumer bills. The act allows the consumer advocate, if he or she deems it necessary, to hold additional public forums.

BACKGROUND

CMEEC

Among other things, CMEEC procures power for its member municipal utilities, which include Bozrah Light and Power, Groton Utilities, Jewett City Department of Public Utilities, South Norwalk Electric and Water, Norwalk Third Taxing District, and Norwich Public Utilities.

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September 26, 2017

Hon. Heather Somers
State Senator-18th District (CT)
Senate Republican Majority Whip
Legislative Office Building
300 Capitol Avenue, Ste 3400
Hartford, CT 06106-1591

Re: Public Act No. 17-73

Dear Senator Somers:

Our office represents the Second Taxing District of the City of Norwalk and its affiliated municipal utility, South Norwalk Electric and Water (SNEW). We are in receipt of your September 20, 2017 letter to the Hon. Harry Rilling, Mayor of the City of Norwalk, regarding Public Act No. 17-73.

The Second Taxing District of the City of Norwalk is a municipal corporation with a different structure than some of the other municipal electric utility members of CMEEC. The district exists by virtue of the Special Laws of Connecticut and its municipal charter. It maintains the rights, privileges, and immunities vested in the former City of South Norwalk. The Second Taxing District and SNEW are governed by a seven (7) member District Commission. Only electors residing within the boundaries of the Second Taxing District may elect the District Commissioners. Further, the inhabitants of the Second Taxing District are solely responsible for the liabilities, expenses, and burdens of the Second Taxing District and SNEW. The Second Taxing District and SNEW only provide electric services to properties within the geographic boundaries of the district. The annual budget for the Second Taxing District and SNEW is separate and distinct from the municipal budget for the City of Norwalk, and is required to be presented to and approved by the electors in March of each year.

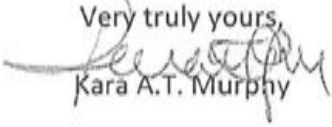
Public Act No. 17-73 will have a significant financial impact upon CMEEC and its member utilities, including but not limited to, the Second Taxing District. On September 19, 2017, the

Hon. Heather Somers
Page Two of Three
September 26, 2017

requirements of Public Act No. 17-73 were reviewed by the District Commission at its regular meeting. The District Commissioners are aware of the events giving rise to the legislation. Please be aware that no elected District Commissioner, employee, or agent affiliated with the Second Taxing District and SNEW attended any of the events. Further, during his tenure as Director of Utilities for the City of Groton from August 2008 to February 2015, Mr. Yatcko never participated in the aforementioned events. The District Commissioners and Mr. Yatcko are appalled by the events, and are deeply concerned about the impact upon CMEEC and the Second Taxing District.

Based upon a review of Public Act No. 17-73, the Special Laws of Connecticut, and the Second Taxing District Charter, the District Commissioners are the legislative body to appoint a "Rate-payer" representative to the CMEEC Board. The District Commissioners are currently considering potential candidates for a "Rate-payer" representative to the CMEEC board, as they are duly elected governing body of the district, and the electors residing within the district are solely liable for the burdens, liabilities and expenses of the district. Further, in light of the burdensome travel required from Norwalk to Norwich for CMEEC board meetings, the District Commissioners may be required to compensate the "Rate-payer" representative, as the rate-payer will unfortunately lose a full work day for the monthly CMEEC meetings. Pursuant to the Second Taxing District Charter, any stipend must be added to the Second Taxing District budget as a line item, and will need to be approved by the electors at the March 2018 Annual Elector's meeting. Finally, the District Commissioners are deeply concerned about the financial expenses associated with a forensic audit and a Municipal Electric Consumer Advocate upon the Second Taxing District and its electors. Providing affordable electric service within the district is of utmost importance to the District Commission, as the Second Taxing District has successfully provided electric services at a competitively lower rate than Eversource.

The District Commissioners intend to revisit compliance with Public Act No. 17-73 and the appointment of a "Rate-payer" representative to the CMEEC board at its October 2017 Regular Meeting.

Very truly yours,

Kara A.T. Murphy

KATM/

Hon. Heather Somers

Page Two of Three

September 26, 2017

Cc: Paul Yatcko, General Manager and CEO, Second Taxing District of the City of Norwalk
David Westmoreland, Chairman, District Commission, Second Taxing District
Hon. Harry Rilling, Mayor, City of Norwalk
Hon. Bob Duff, State Senator, Senate Majority Leader
Hon. Bruce Morris, State Representative
Hon. Chris Perrone, State Representative
Hon. Terrie Wood, State Representative
Hon. Fred Wilms, State Representative
Hon. Gail Lavielle, State Representative

Third Taxing District of the City of Norwalk
A Policy Concerning Conflict Of Interest

1. No official or employee shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of his official responsibilities in the public interest or which would intend to impair his independent judgment or action in the performance of his official responsibilities.
2. No official or employee shall solicit or accept any gift* from any person who to his knowledge is interested in any pending matter within such individual's official responsibility. If prohibited gift is offered, he must refuse it, return it, pay the donor the full value of the gift, or donate it to a non-profit organization without taking advantage of any tax write-off. Alternatively, it may be considered a gift to the District provided it remains in the District's possession permanently.
3. No official or employee shall vote or otherwise participate in any matter on behalf of the District if he, a business with which he is associated, or a member of his immediate family, has financial or personal interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the District. If such participation is within the scope of the official or the employee's official responsibility, he shall be required to provide prompt written disclosure, which sets forth in detail the nature and extent of such interest, to the Board of Commissioners. An official or employee, however, may vote or otherwise participate in the matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the District.
4. No official or employee shall disclose confidential information concerning District affairs, nor shall he use such information for the financial interest of himself or others.
5. No official or employee or a business with which an official or employee is associated, or a member of the immediate family of an official or employee, shall enter into a contract with the District unless it is awarded through a process of competitive bidding in accordance with policies established by the Board of Commissioners.
6. No Commissioner or former Commissioners, or member of his immediate family shall be hired or employed by the District within five (5) years of his termination of service as a Commissioner for the District.
7. No former official or employee shall disclose or use confidential information acquired in the course of or by reason of his official duties or employment for financial gain for himself or others.

*A gift shall be defined as in excess of \$25.00 or as defined in CGS I-79(e).

Adopted	Revised	Applies To:
		Dist.

FINAL

**CITY OF NORWALK
THIRD TAXING DISTRICT
REGULAR MEETING
OCTOBER 7, 2013**

ATTENDANCE: Charles Yost, Chair; David Brown

STAFF: James Smith, General Manager; Ron Scofield, Assistant General Manager

OTHERS: Atty. John Bove, District Council; Deborah Goldstein, Ted Vandekamp, Pat Vandekamp, Jim Anderson; Larry Brownell, NEPPA

CALL TO ORDER.

Commissioner Yost called the meeting to order at 7:00 p.m. A quorum was present.

PUBLIC COMMENT.

Ms. Goldstein said that she was not noted as attending last month's meeting although she arrived after public comment.

Ms. Goldstein said that the TTD logo on CMEEC website had not been updated. Mr. Smith made a note of this.

EXECUTIVE SESSION.

**** COMMISSIONER BROWN MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LEGAL CONTRACTS AND EMPLOYMENT ISSUES.**

**** COMMISSIONER YOST SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Commissioners, Mr. Smith, Mr. Scofield and Atty. Bove entered into Executive Session to discuss legal contracts and employment issues at 7:12 p.m. They returned to public session at 7:50 p.m.

**** COMMISSIONER YOST MOVED TO PURCHASE THE BENTO PROPERTY FOR \$275,000.00. 50% WILL BE FUNDED OUT OF THE CAPITAL IMPROVEMENT ACCOUNT AND 50% OUT OF THE PATRIOT BANK LINE OF CREDIT AND APPROVE THE HIRING OF HYGENIX TO DO THE ENVIRONMENTAL AUDIT FOR APPROXIMATELY \$2,000.00 AND APPROVAL OF THE DEMOLITION OF THE STRUCTURE FOR APPROXIMATELY \$20,000.00 THIS IS ALL CONTINGENT UPON SATISFACTORY DUE DILLIGENCE.**

City of Norwalk
Third Taxing District
Regular Meeting
October 7, 2013

FINAL

**** COMMISSIONER BROWN SECONDED**

**** THE MOTION PASSED UNANIMOUSLY**

**** COMMISSIONER YOST MOVED TO ELIMINATE THE POLICY REQUIRING A FIVE YEAR WAIT BEFORE ALLOWING EX-COMMISSIONERS TO BE CONSIDERED FOR EMPLOYMENT/CONSULTING**

**** COMMISSIONER BROWN SECONDED**

**** THE MOTION PASSED UNANIMOUSLY**

100th ANNIVERSARY CERTIFICATE FROM NEPPA.

Mr. Brownell came forward and said that there was a new training facility for NEPPA in Littleton, MA. He listed the various facilities for training including a degenerated substation. The mutual aid program is being modified to provide better assistance. Agreements with New York and Pennsylvania. Once the agreement is signed, copies will be sent to all the members.

Mr. Brownell then presented the Commissioner with a plaque.

Mr. Brownell said that there had been testimony given in Washington about the power outages following Irene, the October snow and Superstorm Sandy.

Mr. Brownell added that on November 1st there would be a membership meeting held at the new facility from 9:00 to noon. He said that with the new training facility, the organization has been able to create standards for climbing or change outs along with the previous testing.

MINUTES OF MEETINGS.

September 9, 2013 Regular Meeting

**** COMMISSIONER BROWN MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 9, 2013 REGULAR MEETING AS SUBMITTED.**

**** COMMISSIONER YOST SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF SEPTEMBER 9, 2013 REGULAR MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

September 17, 2013 Special Meeting.

City of Norwalk
Third Taxing District
Regular Meeting
October 7, 2013

The RFQ for the T3 Replacement was sent out to the following:

- ABB Inc.
- Niagara Transformer Corp.
- Eaton
- Graybar

Eaton and Graybar could not bid on the transformer due to the requirement for a LTC (Load Tap Change).



Customer	ABB Liquid Filled Small Power Transformers, (non legal entity)	Date:	10/17/2017
Project	12.5 MVA LTC Transformer for Third Taxing District Electric Department	ABB Quote Number	17Q3393301

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10. Bill of Material



1. Scope of Supply and Pricing

Item	Qty	Description	Price Each	Extended Price
10	1	Natural Ester Fluid Filled Substation Non-Auto LTC 10000/12500kVA 65 Degree C Rise, KNAN/KNAF 3 Phase, 60 Hertz, 6 Percent Impedance with +/- ANSI Standard Tolerance HV: 27600 Delta V Delta, 200 kV BIL, +2/-2 2.5% DETC LV: 4160Y/2400 V Wye, 75 kV BIL See attached performance spec for additional electrical and mechanical details of design offered Shipment: Shipment is DAP - Delivered at place <small>(Activity Location: 9AAE300853, PDC: 9AAF401860, PTXN-RX072)</small>	333,150.00	333,150.00

2. Conditions of Sale

Prices

The total selling price for the listed equipment and service is expressed in USD. Prices are firm and not subject to escalation for quoted shipment, provided shipment occurs not later than 10/1/2018. Prices do not include charges such as payment for guarantees, local taxes, VAT, duties and fees, etc. unless specifically listed in the price summary.

Validity

Proposal is valid until 11/17/2017.

3. Warranty

The Standard ABB Warranty shall apply for a period of 18 months from shipment or 12 months from energization, whichever occurs first. The warranty is contingent upon the following:

- Proper receipt, handling, storage and installation of the equipment supplied hereunder.
- The transformer must be assembled and filled with fluid no later than sixty (60) days after shipment from the factory. If the Purchaser will instead store the transformer longer than sixty (60) days after shipment, purchaser must contact the factory representative for proper storage procedures to maintain the warranty.
- An ABB approved insulating fluid type has been maintained in the transformer.
- The equipment must be operated and maintained in accordance with ABB recommendations and standard industry practice, and not be subjected to accident, alteration, abuse or misuse.

4. Drawing and Shipment Schedule

The Purchase Order must include complete shipping address with site contact information. Drawing submittals and shipment date(s) are subject to prior sales and confirmation at the time of order. To insure compliance with the delivery date, ABB may ship up to 30 days prior to stated shipment date. Free access to the delivery site during this period is necessary.



Item	Incoterms	Delivery Point	Shipment Date
10	DAP	East Norwalk, CT	24-26 Weeks ARO

Order Type	Milestone	Weeks After Acceptance of Complete Order Information
Approval Order	Drawings Issued for Approval (Two week turnaround required)	8 Weeks ARO
	Transformer Shipment	24-26 weeks ARO

Delay in drawing approval return will impact shipment dates. Delays longer than 30 days (unless agreed to by ABB) will require payment for engineering at 20% of order value.

5. Terms of Payment for Delivered Equipment and Services

Payment	Terms	Invoice Milestone Schedule
100%	Net 30	Delivery to job site

6. Cancellation Schedule

The Purchaser may cancel the order upon written notice and upon payment to Seller as follows:

Milestone	Cancellation % of Price
After order entry, Prior to submittal of Drawings	20%
After submittal of Drawings for Approval	40%
After Release to Manufacture	100%

7. Transportation, Delivery and Storage

The transformers will be shipped by truck. All units will be shipped complete, insofar as shipping limitations permit. Parts removed for shipment such as bushings, cooling equipment, oil, etc. must be field installed at Purchaser's expense. Shipment is contingent upon the Seller's ability to obtain a valid shipping clearance at the time of shipment. At the time of award, the Purchaser is advised to confirm transformer dimensions and weights prior to proceeding with civil work. Storage charges shall apply if the customer requests a delay in delivery. Details are to be negotiated, and may include the customer assuming title and risk of loss during storage.

If applicable, the carrier will remove digital impact recorders from the transformer once the unit is offloaded from the truck. Impact data is available for up to two years from the date of delivery.

Delivery - If the scheduled delivery of Equipment is delayed by the Purchaser for more than three (3) days, ABB may move the Equipment to an external storage facility for the account of and at the risk of Purchaser whereupon it shall be deemed to be delivered. Purchaser shall reimburse seller for all costs of storage and handling incurred by seller. Storage and handling fees will be invoiced for payment on a monthly basis, until the Purchaser is able to accept delivery of the Equipment. Storage and handling fees are shown below. Storage fees include monthly inspections and preventive maintenance. The warranty period will begin once the transformer is placed into storage.



Storage Fees

Weekly Storage Fee
\$1,500 Per Week Per Transformer

Handling Fees

Transformer Weight	Crane Charge
32,500 Pounds & below	\$8,000
32,501-55,000 Pounds	\$13,200
55,001-75,000 Pounds	\$23,200
75,001-99,500 Pounds	\$27,600
99,501-115,000 Pounds	\$44,000

Included in the handling fees are the off-loading at the storage facility and loading onto truck and trailer for transport.

8. Technical Comments and Clarifications

All ABB facilities are individually ISO 9001 certified. All transformers are built and tested in accordance with applicable industry standards insofar as the purchaser's specification will permit. These standards, prepared by the American National Standards Institute (ANSI), National Electrical Manufacturer's Association (NEMA), Institute of Electrical and Electronic Engineers (IEEE), and CSA C88 offer the best guide to tested and accepted practice in the areas to which they apply. Exception is taken to any local, state and other codes.

Removable galvanized radiators, conduit, hardware and other ancillary devices that are corrosion resistant are unpainted.

Standard (routine) tests will be made on all transformers per IEEE C57.12.00 including:

- Insulation Power Factor
- Resistance Measurements of all Windings
- Ratio Tests
- Polarity and Phase Relationship
- Applied Potential
- Induced Potential
- No Load Losses and Excitation Current
- Impedance Voltage and Load Losses
- Regulation
- Operation Test of all Devices

All tests will be made in accordance with the latest revision of IEEE standard Test code C57.12.90, where applicable.

Optional Tests are available:

- Std. NEMA Corona Test add \$2,250 per unit
- Impulse Test add \$2,500 per unit
- Sound Test add \$5,000 per unit
- Temperature Rise Test add \$10,000 per unit
- Sweep Frequency Response Analysis add \$2,500 per unit



If transformers are inspected or witnessed for test, expenses for travel and accommodations are not included.

Optional Tests may be made by ABB for internal purposes at no additional charge.

No Switching Impulse or Front of Wave Impulse will be done.

No Short Circuit Test will be done, results of short circuit testing is available.

No Professional Engineering stamp, approval or signature is being provided.

Quoting a Proven Rectangular Layer Wound Core/Coil Design. HV will be Epoxy Powder Coated Copper Strap. LV will be Copper Sheet.

Quoting Natural Ester Fluid in main tank but Mineral Oil in LTC.

HV and LV bushings will be porcelain.

Control Cabinet Interior may not be white inside but the back panel will be white.

De-energized Tap Changer Handle will be at a height convenient to the design.

No color coding of wiring will be provided, only wire markers.

Quote is for above-listed bill of material only. Please advise if modifications or clarifications are required.

If Air Terminal Chambers, Arresters, Neutral Ground Resistors or Conservators are supplied, they will be removed and will require some assembly.

If Removable Radiators or Cover Mounted Bushings are supplied, they may be removed for shipment and may require some assembly.

Natural Ester fluids tend to gel or become very viscous at low temperatures (typically below 0 °C for extended periods of time). Special cold starting procedures are required to minimize insulation degradation due to formation of hot streaks in windings or the failure of mechanical accessories if operated in frozen or highly viscous fluid. On request, ABB can provide a cold-starting procedure for ester-filled power transformers.

9. Applicable Terms and Conditions of Sale

- ABB Inc. General Terms and Conditions herein.
- Customer Terms —. Payment is due Net 30 Days from invoice date.
- The Purchase Order must reference the above quotation number.

10. Bil of Material**HIGH VOLTAGE 27600 Delta**

200 KV BIL
Taps: +2 -2 2.5%
Copper Conductor
Cover Mounted Bushings in ANSI Segment 3
Cover Mounted Bulk Type Porcelain Bushings - HV
Ratio 600/5, Accuracy C400, Additional taps: 500/5, 450/5, 400/5, 300/5, 250/5, 200/5, 150/5, 100/5, 50/5 - HV
24 KV Station Class Surge Arresters (1 per Phase) - HV
18 KV Metal Oxide Varistor Elbows QTY - HV

LOW VOLTAGE 4160Y/2400

75 KV BIL
Copper Conductor
Cover Mounted Bushings in ANSI Segment 1
Cover Mounted Bulk Type Porcelain Bushings - LV
Ratio 600/5, Accuracy C400, Additional taps: 500/5, 450/5, 400/5, 300/5, 250/5, 200/5, 150/5, 100/5, 50/5 - X0
Ratio 2000/5, Accuracy C400, Additional taps: 1600/5, 1500/5, 1200/5, 1100/5, 800/5, 500/5, 400/5, 300/5 - LV

LTC

LV Load Tap Changer Type UZE
Series Auto Transformer for LTC
NEMA 3R Cabinet for LTC Control

TANK

Removable 20.5" Galvanized Radiators not painted
Flat Bottom Base
Nitrile Gaskets Machine Groove
Stainless Steel Ground Pads
12" x 24" Bolted Handhole
Inertaire Preservation System With Nitrogen Cylinder
Core Ground Accessible Through Bolted Handhole
2" Drain Valve with 3/8" Sampler Valve
2" Upper Filter Press Valve
Pressure Vacuum Gauge
Liquid Level Gauge with Low Level Contact
Pressure Relief Device with Alarms and Semaphore
Rapid Pressure Rise Relay with a Seal-in-Relay Panel
Eye-level Dial Type Thermometer with Four Contacts
Eye-level Winding Temperature Gauge with Form-C Contacts.
Premium Air Spray System 112+
Paint Thickness 7 Mils
Paint Color ANSI 61 Light Gray
Shot Blasting Of Tank
Non-Skid Paint on Cover

WIRING/CAB

120 Volt Ground Fault Receptacle
120 Volt Light With Door Activated Switch
240 Volt 2-Pole Circuit Breaker
240 VAC, 250 Watt Space Heater with Thermostat
Ammeter
NEMA 4 Control Cabinet Slightly Vented to Prevent Condensation
Light Bulb Guard
#14 SIS/XHHW Instrument Wiring
#12AWG Control Power Wiring (not gauge wiring)
#10 SIS/ XHHW and Tefzel External Wiring for Current Transformers
120 Volt 1-Pole Circuit Breaker
Liquid Tight Flexible Metal Conduit



Thank you for considering ABB Inc. for your power transformer requirements. Please contact your local ABB Inc. sales representative if we may be of service to further clarify our proposal.

With Regards,

Brad Smith

Brad Smith
Marketing
ABB Inc. Small Power Transformers
2135 Philpott Road
South Boston, VA 24592
434-575-2268
brad.p.smith@us.abb.com



TRANSFORMER PERFORMANCE DATA

Quote Number: 17Q3393301

Item Number: 10

KVA: 10000/12500

Impedance: 6 Percent Impedance with +/- ANSI Standard
Tolerance

Fluid: Natural Ester

Rise: 65

Fluid

Hertz: 60

Cooling Class: KNAN/KNAF

Stated losses are typical for reference purposes only.

% Load	% Efficiency	No-load Loss	Load Loss	Total Loss
25	99.51	8500	3875	12375
50	99.52	8500	15500	24000
75	99.42	8500	34875	43375
100	99.30	8500	62000	70500
112	99.24	8500	77773	86273
140.0		8500		

* Efficiency is calculated at unity Power Factor

Regulation with a Lagging Power Factor

Power Factor	% Load	
	100	125
100	0.80	1.43
95	2.60	3.64
90	3.29	4.47
85	3.78	5.06
80	4.17	5.52
75	4.50	5.89
70	4.77	6.21

*Regulation Based On:

% X = 5.9679

% R = 0.6200

% X/R = 9.6256

% Fe = 0.0850

Excitation Current

% Volts	No-load Loss	%Exciting Current
80	5100	0.21
90	6800	0.38
100	8500	0.68
105	10200	1.10
110	12750	2.55

Efficiencies at other Power Factors

% Load	Power Factor				
	1.00	0.95	0.90	0.85	0.80
25	99.51	99.48	99.45	99.42	99.39
50	99.52	99.50	99.47	99.44	99.40
75	99.42	99.39	99.36	99.32	99.28
100	99.30	99.26	99.22	99.18	99.13
112	99.24	99.20	99.15	99.10	99.05
140.0	99.08	99.03	98.98	98.92	98.85

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East Norwalk Electric Department

Third Taxing District
2 Second Street
East Norwalk CT 06855

Reference: **East Avenue Substation**

The Niagara Transformer Corporation, an ISO 9001-2008 Certified Company, located in Buffalo, New York (USA) is pleased to offer you the Third Taxing District Electric Department located in East Norwalk, Connecticut (USA) the following quotation for (1) "new" Liquid-Immersed Power Transformer:

Line: **1**

**10/11.2/12.5/14-MVA, Mineral Oil, Three-Phase,
LTC, Disk, Two-Winding, Substation**

DESCRIPTION & SCOPE-OF-WORK: Oil-Filled Power Transformer that matches dimensions of ABB Transformer illustrated in ABB Drawing Number: BL0002001.

CUSTOMER SPECIFICATIONS:

- Third Taxing District Electric Department, East Norwalk, Connecticut, Substation Transformer 102E-T3 Specification, August 18, 2017.
- Outline Drawing of ABB Transformer, Drawing Number: BL0002001, 10/14/14.

INDUSTRY STANDARDS:

- IEEE STANDARD C57.12.00-2015 - IEEE Standard for General Requirements for Liquid-Immersed Distribution, Power, and Regulating Transformers.
- IEEE STANDARD C57.12.10-2010 - IEEE Standard Requirements for Liquid-Immersed Power Transformers.
- IEEE STANDARD C57.12.90-2015/Cor 1-2017 - IEEE Standard Test Code for Liquid-Immersed Distribution, Power, and Regulating Transformers Corrigendum 1: Editorial and Technical Corrections.
- IEEE STANDARD C57.12.91-2011 - IEEE Standard Test Code for Dry-Type Distribution and Power Transformers
- SP 10/NACE No. 2, Near-White Blast Cleaning.

APPLICATION: General Purpose Load.

ELECTRICAL CHARACTERISTICS:

- Operation: Step-Down
- Phases: Three-Phase
- Frequency: 60-Hertz
- Cooling Class: KNAN/KNAP
- Average Temperature Rise: 65°C
- High-Voltage Phase: 27,600-Volts at 200-kV BIL connected Delta
- High-Voltage Neutral: None
- Low-Voltage Phase: 4,160-Volts at 75-kV BIL connected Wye
- Low-Voltage Neutral: Solidly-Grounded at 75-kV BIL
- Tertiary: None
- Nominal Impedance: 6%±7.5% at 10,000-kVA
- Guaranteed Losses:

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- No-Load Losses: 11,600-Watts
- Load Losses: 67,500-Watts
- Auxiliary Losses: 1,100-Watts
- Maximum Audible Sound Level: 60-dB(A)

INTERNAL CONSTRUCTION:

- Windings:
 - Copper
 - Low-Voltage: Wire
 - High-Voltage: Sheet
- Core:
 - Circular Cross-Section
 - Stacked
- Lifting Lugs

COOLING SYSTEM:

- Radiators: Mild Steel with Hot-Dipped Galvanized Coating Unpainted with Bolted-Mounting & Shutoff Valves
- Quantity of Fans: 5
- Dielectric Fluid:
 - Envirotech FR3
 - Quantity: 2,511-Gallons
 - Weight: 19,332-lbs
- Oil Preservation System:
 - Inert Gas Pressure
 - Cabinet:
 - 3000 pound "bottle" of Nitrogen, regulators, valves, and piping for continuous tank pressurization
- Provisions for application of padlock on door assembly

BUSHINGS:

- High-Voltage Phase Bushings located in Segment 3: Bulk Type, 600-Ampere mounted on Top-Cover with integral 4-Hole NEMA Terminal Pad
- High-Voltage Neutral Bushing: None
- Low-Voltage Phase Bushings located in Segment 1: Bulk Type, 2,000-Amperes mounted on Top-Cover with integral 4-Hole NEMA Terminal Pad
- Low-Voltage Neutral Bushing located in Segment 1: Bulk Type, 2,000-Amperes mounted on Top-Cover with integral 4-Hole NEMA Terminal Pad

SURGE ARRESTERS: Station Class, MOV with Mounting Bracket:

- High-Voltage Surge Arresters: 24-kV RMS/19.5-kV MCOV (NOTE: Mounted on separate adjacent structure)
- Low-Voltage Surge Arresters: None.

CURRENT TRANSFORMERS:

- Internal:
 - High-Voltage Phase Current Transformers: Total Quantity: 3/Type: Multi-Ratio/Ratio: 600:5/Accuracy: C400
 - High-Voltage Neutral Current Transformers: None
 - Low-Voltage Phase Current Transformers: Total Quantity: 3/Type: Multi-Ratio/Ratio: 2000:5/Accuracy: C400
 - Low-Voltage Neutral Current Transformers: Total Quantity: 1/Type: Multi-Ratio/Ratio: 600:5/Accuracy: C400
 - Other Current Transformers:

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- Winding Temperature Gauge
- Line Drop Compensation for LTC
- External:
 - High-Voltage Phase Current Transformers: None
 - High-Voltage Neutral Current Transformers: None
 - Low-Voltage Phase Current Transformers: None
 - Low-Voltage Neutral Current Transformers: None
 - Other Current Transformers: None

ACCESSORIES:

- Magnetic Liquid Level Gauge with Alarm Contacts
- Dial Type Liquid Temperature (Top Oil) Gauge with Alarm Contacts
- Pressure/Vacuum Gauge with Alarm Contacts
- Pressure/Vacuum Bleeder Device
- Dial Type Winding Temperature (Hot Spot) Indicator with Alarm Contacts
- Mechanical Pressure Relief Device with Alarm Contacts
- Rapid Pressure Rise Relay with Alarm Contacts

SWITCHES:

- Automatic On-Load Tap-Changer Switch located in Segments 2:
 - Location: Low-Voltage
 - Manufacturer: ABB
 - Model: UZE
 - Tank Material: Mild Steel
 - Type: Resistive
 - Capacity: Full
 - 33 taps of 5/8 % incremental voltage with 4,160-volt tap at middle tap location and identified as "Neutral".
 - Regulation: $\pm 10\%$
 - Number of Steps: 32
 - Increments: 5/8% (or 0.625)
 - Operations: 500,000
 - Controller: Beckwith Electric Co Model M-2001D-6L4S20F0S00
 - Adapter Panel: Beckwith Electric Co Model M-2070B
 - Backup Controller: None.
 - Paralleling: None.
 - Remote Indication: None.
 - Accessories:
 - Magnetic Liquid Level Gauge with Alarm Contacts
 - Mechanical Pressure Relief Device with Alarm Contacts
 - Rapid Pressure Rise Relay with Alarm Contacts
 - Additional Features:
 - Full Vacuum Tank.
 - Dehydrating Breather
 - Internal Auxiliary Series Transformer
 - Dielectric Fluid:
 - Type II Mineral Oil
 - 151-Gallons/1,163-lbs
- De-Energized No-Load Tap-Changer Switch:
 - Location: High-Voltage
 - Operation:
 - Manually-Operated
 - External Handle with provisions for Pad-Lock
 - Taps: Two taps at 2½% above nominal and 2½% below nominal.

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- Provisions for application of padlock

CONTROL CABINET located in Segments 1:

- NEMA 3R Rating.
- Heaters.
- Heater Ammeter.
- Heater Selector Switch.
- Thermostat.
- Selector Switches.
- Interior Lighting: Turn "ON" by opening external doors and turn "OFF" when doors are closed.
- GFCI Duplex Outlet.
- Interior surfaces painted with White, High-Gloss epoxy-based paint or powder coating.
- Provisions for application of padlock on door assembly.
- Drawing Pocket on Inside of Door
- Removable Plate on Bottom

SPECIAL TOOLS: None Required.

SPARE PARTS: None.

ADDITIONAL FEATURES OF MAIN TANK:

- Rated 1 Torr of vacuum and up to 15 PSI pressure
- Top Cover Welded
- Manhole
- Lifting Hooks
- Stainless Steel External Hardware with Silicon Bronze Nuts
- External Wiring in Rigid Steel Conduit & Liquid-Tight Metal Flexible Conduit
- External Core Grounds
- Welded Fall Protection Base Plate
- 2-inch brass gate valve, nipple, brass sampling port and plug
- 1½ inch brass valve, nipple and plug
- Jacking Plates
- Base Skid or Rolled on either main centerline axis.
- (2) Welded Ground Pads

PAINTING SYSTEM:

- Surface Preparation: Commercial Blast Clean
- Manufacturer: PPG Industries/PPG Protective & Marine Coatings
- Color: ANSI 61 (Gray)
- Primer: Amercoat 68HS Zinc Rich Epoxy
- Top Coat: Amercoat PSX 700 Engineered Siloxane Coating
- Minimum Dry Film Thickness (DFT): 3-Mils

TESTING:

- Routine:
 - Resistance measurements of all windings on the rated tap and the tap extremes.
 - Winding insulation resistance test.
 - Core insulation resistance test.
 - Ratio of all NLTC taps to LTC Neutral tap.
 - Ratio of all LTC taps to NLTC rated tap.
 - Polarity and phase relation tests on the rated voltage connection.
 - Insulation power factor test.
 - No load loss and excitation current at 90%, 100% and 110% rated voltage.

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- Impedance voltage and load loss at rated current and rated frequency on the rated voltage connection and the NLTC extremes.
- Impedance voltage and load loss at rated current and rated frequency on the rated voltage connection and the highest, middle and lowest NLTC taps to the LTC taps 16R, Neutral and 16L.
- No Load Losses and excitation current at 100% rated voltage after the impulse test.
- Applied voltage test.
- Low frequency dielectric test on auxiliary devices, controls and current transformer circuits.
- Single phase excitation test at 10kV on rated NLTC voltage tap.
- Induced voltage test for 7200 cycles at 1.5 times line-to-line voltage with partial discharge measurement.
- Operation of all electrical and electromechanical devices for proper sequence and/or staging and function.
- Auxiliary control cooling losses.
- CT Ratio and Polarity tests.
- Pressure/Leak Test (10 PSI for 10 hours).
- Design:
 - Lightning Impulse Test.
 - Audible Sound Level Test.
 - Dissolved Gas in Oil Analysis prior to and following all tests.
- Other:
 - Zero phase sequence impedance voltage.
 - Sweep Frequency Response Analysis Test.

ENVIRONMENTAL CONDITIONS:

- Location: Outdoors
- Ambient Temperatures: +30°C Average/+40°C Maximum over (24) hours
- Altitude: less than 3,300-feet above mean sea level
- Classification: Non-Hazardous Environment
- Seismic Zone: Zone 2A

SHIPPING:

- Method: Open Flatbed Truck with Impact Recorder attached to Main Tank.
- Configuration: Completely Assembled.

SIZE Completely Assembled:

- Weights (estimate): 70,570-lbs
- Dimensions (estimate): 157-inches x 133-inches x 141-inches (height) (NOTE: Height includes integral 4-Hole NEMA Terminal Pad)
- Base: 104-inches x 61-inches

ADDITIONAL SCOPE-OF-WORK: None.

EXCEPTIONS/CLARIFICATIONS:

- LTC drive motor is an integral part of the LTC and as such is enclosed in a separate cabinet that's attached to the main tank of the LTC.
- 20. Switching Impulse Test: Typical performed for voltage ratings of at least 345-kV.
- 23. Front of Wave Impulse Test: With improved arrester technology, front-of-wave tests are no longer necessary or standard for power transformers, so these tests were removed as a requirement from IEEE Std C57.12.00. Gapped silicon carbide arresters have switching characteristics that closely mimic front-of-wave shapes. Metal oxide varistor (MOV) surge arresters have clamping characteristics that more nearly emulate full-wave and chopped-wave conditions. They have replaced silicon carbide arresters, negating the need for front-of-wave

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testing.

**SHIPMENT SCHEDULE to East Avenue Substation, 215 East Avenue, East Norwalk,
Connecticut (USA):**

- Drawings: Ten (10) weeks after receipt of Purchase Order.
- Approval of Drawings: Unknown.
- Core & Coil Inspection: Unknown.
- Witness Tanking: Unknown.
- Witness Testing: Unknown.
- Transformer: Twenty-Two (22) weeks after Drawings are Approved.

Quantity	U/M	Unit Price	Total Price
1.00	EA	\$334,800.00	\$334,800.00

Payment Terms: Net 30 Days

Prices Quoted in US Funds

Niagara Salesperson: MANGUM
Sales Rep: Northeast Power Delivery Group

NOTES:

Prices are Valid Until Sunday, November 19, 2017

FOB: DESTINATION

Freight Terms: Allowed

- If Prepaid and Add, freight shall be invoiced at the actual freight cost plus 10%

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Options: None.

Manufacturer: The Niagara Transformer Corporation with manufacturing facilities located in Buffalo, NY (USA).

Extended Wasrranty: (5) Years after being energized, or 5-1/2-Years after being shipped, whichever occurs first.

Liquidated Damages: None.

Storage:

- Terms:

- If Shipment/Delivery is not accepted within ten (10) Working Days of the Factory-Completion-Date, the following Storage Policy & Rates shall apply.

- Invoiced Monthly.

- Rates:

- Storage: US\$1,500.00 per week or part thereof

- Handling (One-Time Charge): US\$6,000.00

Attachments:

- The Niagara Transformer Corporation's General Terms and Conditions of Sale (Products), latest revision.

- Description of High-Voltage Bushing.

- Description of Low-Voltage Bushing.

Respectfully submitted,

Will Mangum

Will Mangum

Phone: (716) 896-6500

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Email: wmangum@niagaratransformer.com

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**NIAGARA TRANSFORMER CORPORATION'S
GENERAL TERMS AND CONDITIONS OF SALE (PRODUCTS)**

Validity: Quotations to customers ("Customers" or individually, a "Customer") for the sale of equipment and/or parts (collectively, "Products") are valid for thirty (30) calendar days from the date the quotation (the "Quotation") is issued, unless expressly revised in writing by Niagara Transformer Corporation ("the Corporation"). Selling prices are firm as long as shipment is permitted within the mutually agreed upon shipping schedule. Due to commodity price and lead time volatility, Customer must approve, return, and release order to manufacturing within fifteen (15) days from date of drawing receipt or the order may be subject to cancellation by the Corporation or modification, at the Corporation's option, to add a material surcharge to the quoted selling price in the event of raw material cost increases and/or to extend the delivery date beyond the date quoted.

Terms of payment: Unless otherwise agreed, for customers with approved credit, orders up to \$50,000 USD payment in full shall be due in cash within thirty (30) days from the date of shipment. For orders over \$50,000 USD, 10% of order value is billed with the submission of our order acknowledgement and 40% of order value is billed with the submittal of approval drawings; these progress payments due upon receipt. The balance of the order is billed at time of shipment with payment due net 30 days from invoice date. The Corporation reserves the right, at its sole discretion, to suspend shipments and change the terms of payment at any time if doubt should arise as to the financial condition or the responsibility of the Customer. The Corporation may in its sole discretion refuse to ship in the event there are any amounts owing to the Corporation that are past due or in excess of the Corporation's approved credit terms for the Customer. All prices are in U.S. Funds unless otherwise agreed in writing by the Corporation. All terms in a Quotation are subject to credit approval by the Corporation.

Security Interest: To secure payment of the purchase price of the Products, Customer hereby grants to the Corporation a lien on and security interest in and to all of the right, title and interest of Customer in, to and under the Products to the extent title to the Products has transferred to Customer, wherever located, and in all accessions thereto and replacements or modifications thereof, as well as all proceeds (including insurance proceeds) of the foregoing. The security interest granted under this provision constitutes a purchase money security interest under the New York Uniform Commercial Code (the "UCC"). Customer authorizes the Corporation to file, and shall provide the Corporation reasonable assistance in the filing of, UCC financing statements, continuation statements and such other documents as the Corporation deems desirable or necessary to perfect, maintain and protect the security interest granted herein. The Corporation shall have all the rights of a secured party under the UCC in the event of default, in addition to all other remedies that may be available at law, at equity or otherwise. All rights and remedies provided hereunder are cumulative and non-exclusive, and the exercise of any right or remedy does not preclude the exercise of any other rights or remedies that may now or subsequently be available at law, in equity, by statute or otherwise.

Delivery: All prices are F.O.B. point of shipment, transportation prepaid and allowed or prepaid and separately billed to Customer's account as specified. For freight separately billed to Customer's account, a 10% administrative fee will apply to pass to Customer at point of shipment unless otherwise agreed. Method of shipment, point of origin and routing will be determined by the Corporation to minimize transportation expense. If Customer specifies any different method of routing of shipment, Customer will pay any additional expense. No allowance or reduction in invoice price will be made in lieu of transportation expense if Customer accepts delivery at factory or warehouse. CUSTOMER ASSUMES ALL RISK OF LOSS OR DAMAGE AT THE POINT OF SHIPMENT. For deliveries F.O.B. the Corporation's premises, Customer and/or Customer's agent in charge of shipping agrees to follow all of the Company's instructions and procedures concerning loading and securing of the Products for shipment. For deliveries F.O.B. the Corporation's premises, CUSTOMER ASSUMES ALL RISK OF LOSS OR DAMAGE TO THIRD PARTIES DURING SHIPMENT. THE CORPORATION EXPRESSLY DISCLAIMS ANY LIABILITY FOR CUSTOMER'S FAILURE TO PROVIDE ADEQUATE SHIPPING AND/OR LOADING OR SECURING VEHICLES, EQUIPMENT, OR MATERIALS. For deliveries F.O.B. the Corporation's premises, if Customer fails to pick up the Products by the date agreed to by Customer and the Corporation, the Corporation reserves the right to charge Customer for any costs actually incurred by the Corporation in connection with Customer's failure to pick up the Products, plus a reasonable fee for each day after such date until Customer picks up the Products.

Unless otherwise agreed, Customer shall be deemed to have accepted the Products unless it provides to the Corporation written notice of nonconformity, detailing such nonconformity, within thirty (30) days of delivery. Such notification shall include a description from which the Corporation can reasonably determine the nature of such nonconformity. If Customer timely notifies the Corporation of nonconformity, the Corporation shall have full discretion to determine the method of correcting such nonconformity. If required by the Corporation, Customer shall ship, at its expense and risk of loss, the Products to the Corporation's facility. Except as provided below in the section entitled "Warranty," the remedies set forth in this paragraph shall be Customer's exclusive remedies for the delivery of nonconforming Products.

The Corporation shall not be liable for delay in delivery due to causes beyond its reasonable control, including but not limited to, acts of God, acts of the Customer, acts of civil or military authority, priorities, fires, strikes, floods, epidemics, quarantine restrictions, war, riot, delays in transportation, truck shortages and inability due to causes beyond its reasonable control to obtain necessary labor, materials or manufacturing facilities. In event of any such delays, the date of delivery shall be extended for a period equal to the time lost by reason of the delay. Order fulfillment may be assigned to a third party's facility.

Acceptance of orders: All orders may only be accepted by the Corporation at its headquarters, located in Buffalo, New York. Should the Customer's order include terms, conditions, or changes or additions to specifications either written or oral, not included in the Corporation's Quotation, such additional terms, conditions or changes or additions shall be deemed merely offers and shall not be binding on the Corporation unless accepted in writing. The Corporation's acceptance or acknowledgement of the order described in its original Quotation, shall not be deemed an acceptance of such additional terms or a waiver of the Corporation's right to reject or make additional charges for same.

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Taxes: Prices do not include sales, use, excise, GST, PST or similar taxes. Import duties and brokerage fees are also not included. All such taxes are for the account of and shall be paid by the Customer and will be added to the prices where applicable.

Warranty: The Corporation warrants its Products, including original parts, against any defects in workmanship and material for a period of twelve (12) months from the date of energization or eighteen (18) months from the date of shipment, whichever comes first (the "Warranty Period"), but only if the Products are not overloaded, exposed to greater than specified harmonics, or exposed to voltage transients generated by high speed switching devices, such as, but not limited to, SF6 and/or vacuum breakers or other abnormal service or system conditions. Notwithstanding the foregoing, this warranty shall not apply in the event the Products are not properly protected with lightning arrestors approved by the Corporation connected to provide lightning protection coordinated with the transformer tank and shall not apply to the extent the Customer has failed to perform maintenance in accordance with the Corporation's recommended procedures or has altered or installed parts not manufactured by the Corporation without the Corporation's prior consent. All warranty claims must be made within ten (10) days of discovery by Customer. If Customer makes a claim under this warranty within the Warranty Period and it is subsequently determined by the Corporation upon inspection in the Corporation's factory that the Product is defective, the Product will either be replaced or repaired at the Corporation's sole option. This is Customer's sole remedy for defective Products. All defective Products must be returned by Customer to the Corporation's factory in Buffalo, New York, freight prepaid. Full conformance to the Corporation's installation, operation, and maintenance manual is required to validate warranty. THIS WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND THERE ARE NO OTHER WARRANTIES THAT EXTEND BEYOND THIS EXPRESS WARRANTY.

Limitation of Liability: The Corporation will not be liable for damages to Products, other property or persons due to improper installation or use of the Products or their parts, NOTWITHSTANDING ANYTHING CONTAINED IN ANY ORDER OR ANY OTHER DOCUMENT SUBMITTED BY THE CUSTOMER OR ANY THIRD PARTY, TO THE CONTRARY, THE CORPORATION WILL NOT BE LIABLE TO CUSTOMER OR ANY THIRD PARTY AND CUSTOMER HEREBY WAIVES ALL CLAIMS FOR ANY SPECIAL, CONTINGENT, INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES, INCLUDING WITHOUT LIMITATION, CLAIMS FOR LOST PROFITS EVEN IF THE CORPORATION HAS PRIOR NOTICE OF SUCH DAMAGES. The Corporation's liability with respect to a claim for any damages arising out of or connected with the manufacture, sale, purchase, non-delivery, operation, use or performance of any Product sold by the Corporation will in no event exceed the price paid for such Product. No provision in any order or any other document submitted by the Customer or any third party subjecting the Corporation to liquidated damages or retainage or offset shall be binding on the Corporation, unless expressly agreed to in writing by the Corporation.

Indemnification: If the Corporation is made a party to any proceeding, action, or arbitration, on the basis of breach of warranty, breach of contract, negligence, strict liability, or tort, by Customer or any persons deriving title from Customer, or any third party including any third party injured as a result of Customer's shipment of Product delivered F.O.B. the Corporation's premises, then Customer will indemnify, defend and hold the Corporation harmless from all damages, costs, and expenses in connection with such proceeding, action or arbitration, including without limitation, the Corporation's reasonable attorneys' fees, unless it shall be determined that such claim resulted solely from the Corporation's negligence or willful misconduct.

Backcharges: Backcharges or claims for setoff are not permitted without written authorization from the Corporation.

Cancellation: The Customer, only upon payment of the following charges, may cancel an accepted order or contract:

- 10% of the selling price if order is cancelled after the purchase order is received but before conversion;
- 20% of the selling price if order is cancelled after the order is converted but before design is complete; or
- 30% of the selling price if order is cancelled after the Product design is complete but before release of order to manufacturing; and
- 100% of selling price if order is cancelled at any time after release of the order to manufacturing.

Governing Law and Forum and Severability: All accepted orders shall be governed by and construed in accordance with the laws of State of New York including the Uniform Commercial Code as amended from time to time, without regard to principles of conflicts of laws (other than Section 5-1401 of the New York General Obligations Law) and Customer hereby agrees that all actions arising out of this transaction shall be brought only in the courts of the State of New York and hereby consents to the jurisdiction of the courts of the State of New York and venue in Erie County, New York. If any provision of these terms or conditions of sale or portion thereof, shall be judged by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such adjudication shall not affect or modify any other provision of these terms of sale or the remaining portions thereof and the effect thereof shall be confined to the provision as to which such adjudication is made.

Collection Costs and Finance Charge: In the event any amounts owing to the Corporation under this order are referred to an attorney for collection, Customer agrees to pay the reasonable attorneys' fees and expenses incurred by the Corporation. All past due accounts shall be subject to a service charge of the lesser of 1.5% per month (or 18% per annum) or the maximum amount permitted by law.

Witness Test and Final Inspection Charge: If the customer elects to witness test or perform a final inspection there will be \$1,000.00 per person per day charge.

Terms and Conditions 7/21/15

Third Taxing District

FY2017-18 Capital Projects Priority List Options

<u>Category</u>	<u>Project Title</u>	<u>Description</u>	<u>Best</u>	<u>Middle</u>	<u>Worst</u>
Generators	Above Ground Fuel Tank	This project will place 1 above ground fuel tank at Norden.	\$ -	\$ -	\$ -
Transmission - Structures & Improvements	Backup Generator	Installation of backup generator for Fitch St. Substation.	\$ -	\$ -	\$ -
Transmission - Structures & Improvements	SCADA	Implementation of SCADA System.	\$ 150,000	\$ 150,000	\$ 150,000
Transmission - Structures & Improvements	Neutral Reactors	Purchase and install grounding reactors on 47R-1X and 47R-2X main power transformers at Fitch Substation.	\$ -	\$ -	\$ -
Transmission - Structures & Improvements	Blacktop Expansion	Expand current blacktop footprint to allow for more parking and snow removal without damage to ground grid and stones.	\$ 17,000	\$ 17,000	\$ -
Transmission - Underground Conduit	Underground Conduits	Purchase of underground conduit for transmission system.	\$ 2,000	\$ -	\$ -
Transmission - Underground Conductor	Underground Conductors	Purchase of underground conductors in relation to the department's transmission system.	\$ 2,000	\$ -	\$ -
Distribution	Structures & Improvements	Continuation of general repairs at 215 East Avenue Property.	\$ 15,000	\$ 10,000	\$ 5,000
Distribution	Substation Equipment-Install Trap-Rock	Excavation and installation of trap-rock at East Avenue Substation.	\$ -	\$ -	\$ -
Substation	Replace Oil Circuit Breakers	This project addresses the replacement of four 34.5Kv oil circuit breakers that are approximately 50 years old. The replacement circuit breakers will eliminate the presence of insulating oil in all substation devices except the main power transformers.	\$ 192,500	\$ 192,500	\$ -
Substation	T3 Replacement	This project replaces the T3 Main Power Transformer located within East Avenue Substation.	\$ 600,000	\$ 600,000	\$ 600,000
Substation	T1 Cable Replacement	This project replaces undersized cables that were discovered in East Avenue Substation.	\$ -	\$ -	\$ -
Substation	T4 Cable Replacement	This project replaces undersized cables that were discovered in Rowan Street Substation in 2010.	\$ -	\$ -	\$ -
Substation	Battery Replacement Rowan Street Substation	This project replaces the substation control battery within the Rowan Street Substation.	\$ -	\$ -	\$ -

<u>Category</u>	<u>Project Title</u>	<u>Description</u>	<u>Best</u>	<u>Middle</u>	<u>Worst</u>
Substation	Reclosing Relays Rowan Street	This project installs Automatic Reclosing Relays on 4,160-volt Circuit Breakers in Rowan Street Substation.	\$ -	\$ -	\$ -
Substation	Reclosing Relays East Avenue	This project installs Automatic Reclosing Relays on 4,160-volt Circuit Breakers in East Avenue Substation.	\$ -	\$ -	\$ -
Substation	Tie Circuit Breaker East Avenue	This project installs a Tie Circuit Breaker within the 4,160-volt switchgear in East Avenue Substation.	\$ -	\$ -	\$ -
Substation	Transformer Circuit Switchers	This project replaces four Motor Operated Disconnect Switches located at East Avenue and Rowan Street Substations with Circuit Switchers.	\$ 50,000	\$ -	\$ -
Substation	Air Circuit Breaker Replacements - East Avenue	This project replaces the air circuit breakers within the East Avenue Substation with Vacuum Circuit Breakers.	\$ 155,000	\$ 155,000	\$ 155,000
Substation	Air Circuit Breaker Replacements - Rowan Street	This project replaces the air circuit breakers within the Rowan Street Substation with Vacuum Circuit Breakers.	\$ 60,000	\$ 60,000	\$ -
Poles, Towers & Equipment	Purchase of Replacements	Replacement of Poles.	\$ 20,000	\$ 15,000	\$ 10,000
Overhead Conductors	Hendrix Replacement	This project replaces existing 4kV Overhead conductors that are inadequately insulated.	\$ 137,500	\$ 87,500	\$ 50,000
Distribution Underground Conduit	Underground Conduits	Purchase of underground conduit for commercial installations.	\$ 2,000	\$ -	
Underground Conductors	4kV Cable Replacement	This project eliminates all Lead Jacketed cables from the District's Electrical System.	\$ -	\$ -	
Line Transformers	Transformers	A replacement of transformers in the distribution system.	\$ 60,000	\$ 40,000	\$ 30,000
Meters	Meters	A) Replacement/Upgrade of meters and B) Purchase of meters with remote read capabilities.	\$ 46,700	\$ 35,000	\$ 25,000
Street Lights & Signals	Street Lights	Replacement of street lights in distribution system.	\$ 2,500	\$ 2,000	\$ 1,000
Structures & Improvements	Improvements to Facility	Replacement of all video monitoring and fire alarm systems at the Second Street office.	\$ 15,000	\$ -	\$ -
Structures & Improvements	Storage Facility	Storage Facility	\$ 500,000	\$ 500,000	\$ 500,000
Office Furniture & Equipment	Furniture/Equipment Purchases	Purchase of office furniture/equipment for department facilities.	\$ 5,000	\$ 3,000	\$ 2,000
Transportation Equipment	Ford F-750 (Bucket)	Upgrade and refurbish existing bucket truck to extend the useful life.	\$ -		\$ -
Transportation Equipment	Altec Bucket Truck	Purchase the current bucket truck which has been leased.	\$ 95,000	\$ 95,000	\$ 95,000

<u>Category</u>	<u>Project Title</u>	<u>Description</u>	<u>Best</u>	<u>Middle</u>	<u>Worst</u>
Tools, Shop, Yard	Field Equipment	Purchase of Overhead pulling system (Spider) for stringing of conductor and overhead/underground phasing and voltage tester.	\$ 15,000	\$ 15,000	\$ -
Laboratory Equipment	Laboratory Equipment	Various equipment used by the department for testing/calibrating meters.	\$ 3,000	\$ 2,000	\$ 1,000
Communication Equipment	Equipment & Services	Computer Infrastructure - Hardware & Software	\$ 5,000	\$ 5,000	\$ 5,000
Miscellaneous Equipment	Miscellaneous Equipment	Miscellaneous capital equipment purchased by the department.	\$ 1,000	\$ 1,000	\$ 1,000
TOTAL			\$ 2,151,200	\$ 1,985,000	\$ 1,630,000
TOTAL Non-SCADA Related Items			\$ 2,001,200	\$ 1,835,000	\$ 1,480,000

Third Taxing District Capital Budget Worksheet

DEPARTMENT: TTD		CATEGORY: Substation		PROJECT TITLE: T3 Replacement			
USEFUL LIFE: 25 Yrs.		SCHEDULED START:		SCHEDULED COMPLETION:			
RANKING:		___ NEW CONSTRUCTION/EQUIPMENT		<u>X</u> -REPLACEMENT/REFURBISHMENT			
DESCRIPTION: This project replaces the T3 Main Power Transformer located within East Avenue Substation.		JUSTIFICATION: The T3 Transformer is a 5 Mva transformer located at East Ave. Substation that was manufactured in 1968 and has been operating beyond its planning life expectancy and is beginning to show signs of deterioration. We have recently installed a new 10 Mva transformer at this location. The purchase and installation of a new 10 Mva sister transformer will begin to allow the Third Taxing District to increase the East Ave. Substation to a 20 Mva station and reduce any undesired power interruption that would result from its eventual failure.					
EXPENDITURE SCHEDULE (000's)	Account	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	TOTAL
Engineering/Design	360-20	68,200					68,200
Site Costs & Acquisition							-
Construction	360-20	100,000					100,000
Equipment/Furnishings	360-20	400,000					400,000
Other/Contingency	360-20	31,800					31,800
TOTAL EXPENDITURES		600,000	-	-	-	-	600,000

CONNECTICUT DEPARTMENT OF TRANSPORTATION

Walk Bridge Preconstruction

0301-0176/0180/0181

REPORT OF MEETING

EA/EIE Third Taxing District - 001

March 06, 2017

IN ATTENDANCE

Fallon, James	Connecticut Department of Transportation
Brown, Christian	HNTB
Kenney, Krista	HNTB
Slattery, Kevin	HNTB
Cwikla, Heather	Parsons Brinckerhoff
D'Agostino, Joseph	Parsons Brinckerhoff
Toole, Laura	Parsons Brinckerhoff
Brown, David	Third Taxing District
Goldstein, Debora	Third Taxing District
Intrieri, Michael	Third Taxing District
Smith, James	Third Taxing District
Tenney, Cynthia	Third Taxing District
Yost, Charles	Third Taxing District

Item No.

Action Items:

BIC

Due

Status

001.01

Closed

Kevin Slattery explained the difference between an Environmental Assessment (EA) /Environmental Impact Evaluation (EIE) versus other environmental documents (i.e., Environmental Impact Statement (EIS).

Kevin Slattery explained what defines a "significant" impact. He provided an explanation of the purpose of EA/EIE and the level of detail for this type of document. He explained the NEPA process and the nature of impacts for planning purposes.

Explanation of common comments and how they affect the projects.

Debora Goldstein noted that the Third Taxing District was not invited to the red robin meeting. The Taxing District is focused on issues that the community has given them for the past 20 years. They did not provide a technical response – generic response based on their feedback.

Examples of a Categorical Exclusion project or a project with substantial impact. EIS has different requirements. Keys of "significant" – what types of mitigations are proposed.

Kevin Slattery explained the mitigation plan and commitments of the plan and what it all means. He noted that the project team will be able to identify the impacts once the project advances. For instance, understanding the traffic in greater detail. CTDOT recognizes that there is a lot going on in this project/program. Business Coordination plan, wetland/water quality – these are the types of things that cannot be figured out at this time but will be clearer over time. The project team has developed a timeline of when these items will be addressed. These plans are living documents and will continually be adjusted and updated.

Contractor means and methods (how many days of disruption, etc.) This is an early planning study.

Question was raised regarding 30% and what it means. Jim Fallon gave explanation of general milestone on project and potential mitigation plans.

North Water Street lot and garage for the parking authority. (their concerns)

FTA documents mitigation plans and makes sure CTDOT is held to these plans.

Comment Review:

Explanation of annotation.

4.1 We did provide outreach. Debora Goldstein noted that they were not invited to meetings. Jim Fallon noted that these meetings are coordinated through Elizabeth Stocker and that they would be notified for all future meetings.

All anticipated responses will be completed by April/May and submitted to FTA in May.

David Brown wondered what kind of impact do they have with their concerns. He asked if CTDOT is just providing lip service. Jim Fallon noted that CTDOT is here to understand their concerns. In the EA, there will be mitigation plans for each concern. Jim Fallon noted that CTDOT is here for them and all their concerns will be addressed. This project is necessary. This is a reliability and resiliency issue. Jim Fallon noted that this is a difficult project but we need to maintain safety.

Question was raised regarding project timeline. Jim Fallon explained other parallel projects that need to be completed first. (Interlocking and Danbury Branch). Start of construction on Walk is beginning of 2019 through 2022.

East Avenue Bridge will be built during Walk Bridge construction.

4.2 Statewide rail plan. Jim Fallon will pass along message but the avenue to address the item. Deborah Goldstein noted that socioeconomic ideas should be a part of the mix.

4.3 Explanation of redundancy. Keep rail in operation. CTDOT wants to maintain navigability. We need to follow the projects purpose and need.

Chris Brown explained the project and how the team plans on constructing the bridge. General approach to phasing construction in.... track outages, etc. is really where the other projects came into play. There are similarities to doing this with a fixed bridge and movable bridge. Chris Brown noted video on website that explains why we are reconstructing a new bridge and not rehabilitating it. Schedule driven.

High speed rail study – FRA: Jim Fallon explained that from CTDOT's standpoint, the decision was made in 2013-14 when the bridge failed to close. CTDOT could not continue to defer action. The CTDOT cannot get wrapped up in the future planning – it is not funded. Debora Goldstein noted that the City could get whacked twice.

4.4 Keeping bridge functioning will help divert traffic. David Brown asked Chris Brown about the mechanical upgrades to both fixed and movable bridge. Fixed is not the less costly option, or easy to construct. The schedule is longer and this effects navigation on the waterway.

4.5 Third Taxing District foots the bill for all the customers they lose. (eminent domain) Municipal entity. They have no way to go out and court new customers. Any potential customers have to come to them. Their thoughts are that no one will be moving into town while this project is being constructed. Municipal electric utilities (6 in the state) –Jim Fallon suggested that this comment be reworded and he will pass it along to ROW.

4.6 Terminology – there will be a mitigation plan.

4.7 There is a plan for relocation for IMAX. This is a discussion for the City and aquarium. So far it seems that everyone is onboard with the relocation.

4.8 From a high level perspective, CTDOT looks at from taking it out of service – views this as a routine action. This is not a significant impact. Debora Goldstein – undergrounding – they have to retain contractors. This could ultimately compound costs. This money would come out of metered rate payers/customers. (East Avenue Road widening). Jim Fallon inquired about the Third Taxing District and City's relationship.

SNEW, Third Taxing District and Eversource. 3 electric utilities. Public Works should not be talking about utility coordination without these entities. There needs to be consultation.

4.10 Still looking at hydraulics. Taking most of structure out of river will reduce flooding upstream. Net benefit. CTDOT is in contact with shellfish commission.

4.11 Discussed.

We believe this Report of Meeting accurately reflects what transpired at this meeting. Unless notified in writing to the contrary, within ten (10) days after receipt, we will assume that all in attendance concur with the accuracy of this transcript.

Submitted By: Christian Brown

Reviewed By:

John D. Hornifan 3/22/17

Cc: All in Attendance

Eversource Transmission Relocation Project
in support of
Walk Bridge Replacement Project

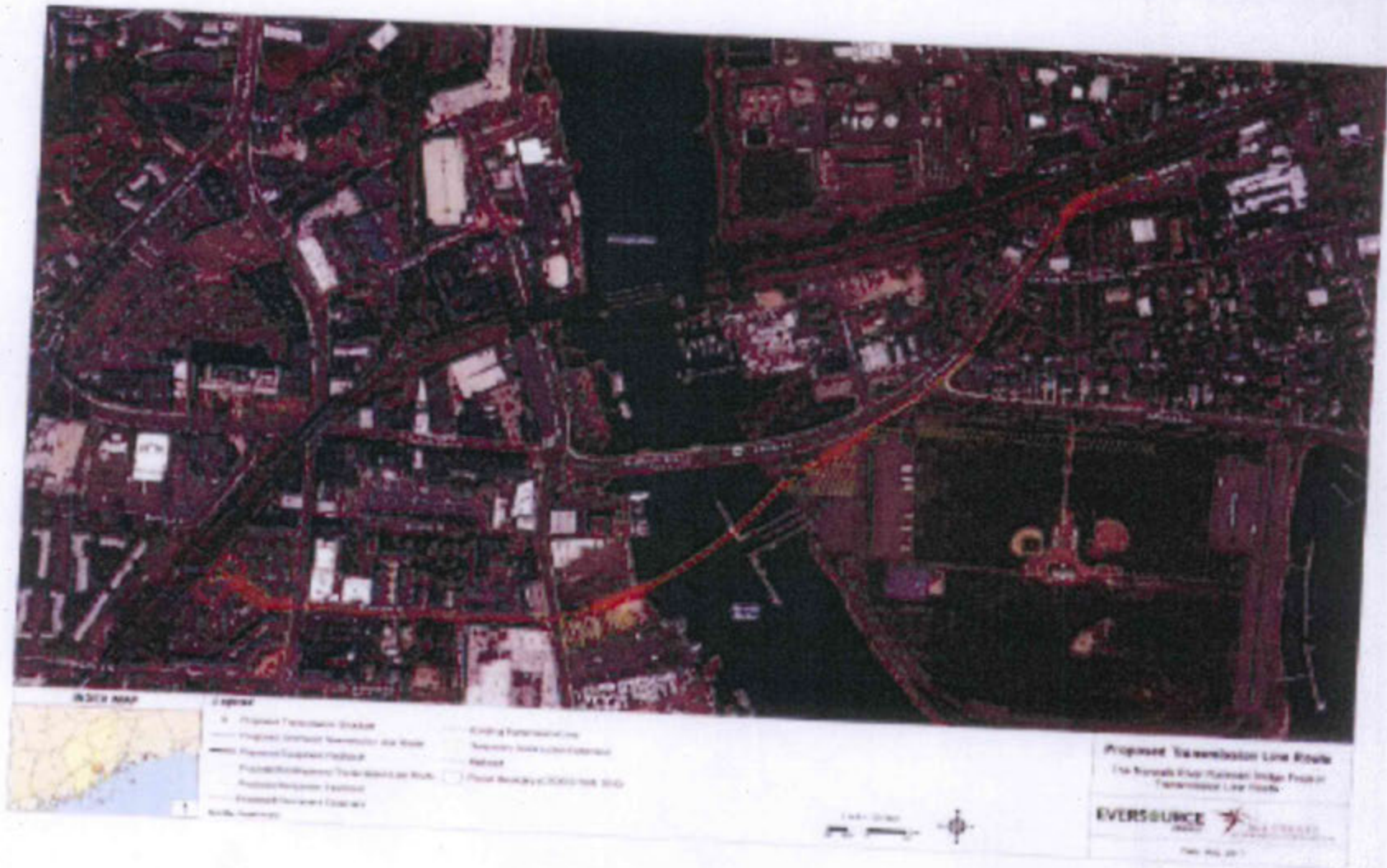
Norwalk Harbor Commission
May 24, 2017

- Introductions
- Project Need
- Proposed Project work in the Harbor
- Regulatory Agencies
- Project Schedule

- Eversource currently has two 115,000 (115-kV) transmission lines that run along the railroad corridor.
- In order to rebuild the Walk Bridge, Eversource must relocate these lines through SONO, reconnecting to the railroad corridor further east.
- The Project team has been meeting with various Norwalk officials for over a year to discuss design options.
- In April, the City, CDOT, and Eversource reached agreement on the proposed route for the transmission line relocations.

Proposed Route for the Transmission Lines

EVERSOURCE
ENERGY





- Eversource will propose crossing the Harbor with a horizontal directional drill (HDD)
- HDDs are typically used when open trench excavation is not practical such as under bodies of water or highways.
- In the proposal 90 Water Street would be the "sending" site. The Project has spoken with the underlying property owner and they support our use of the site.
- Veteran's Park would be the "receiving" site.
- Pending regulatory approvals, the current schedule has the HDD work beginning in January 2019.

- The Connecticut Siting Council (CSC) has authority over the construction and/or modification of all electric transmission facilities 69,000 volts (69 kV) and above.
- The Project will be filing a Petition for a Declaratory Ruling that no Certificate of Environmental Compatibility & Public Need is required from the CSC.
- The CSC has 60 days to review the filing but has the ability to extend the review period. They also have the ability to hold a public hearing, if it deems necessary.

- Office of Long Island Sound
 - Structures, Dredging and Fill Permit
 - Consultations with Agencies
 - CTDEEP NDDB
 - CTDEEP Marine Fisheries
 - Norwalk Harbor Commission
 - Norwalk Shellfish Commission
 - DEEP Issues Public Notices
 - OLISP 401 Water Quality Certification

U.S. Army Corp of Engineers

— Section 10 of the Rivers and Harbors Act

- Consultations with Agencies
 - U.S. Fish & Wildlife Service
 - National Marine Fisheries Service
 - State Historic Preservation Office
 - Tribal Historic Preservation Offices
 - Federally recognized Native American Tribes

- DEEP General Permit Registration for the Discharge of Stormwater and Wastewaters Associated with Construction Activities
- EPA National Pollutant Discharge Elimination System Permit (potential requirement)

- Drilling from barge for “Geotech” data necessary to assist in design specifications for horizontal direct drilling



Project Schedule *

Initiate discussions with Norwalk officials – 2016

Agreement with the City and CDOT on the route – Q2 2017

File the Petition with the CT Siting Council – Q2 2017

File Environmental Permits – Q3 2017

Pending CSC approvals:

Prepare Development & Management Plans (CSC) – Q4 2017

Begin Construction – Q1 2019

Complete Construction – Q4 2019

Community and Stakeholder outreach – 2016 through 2019

* subject to change

■ Key Stakeholders

- Property Owners/Residents
- Businesses
- Local Officials
- State Officials

■ Communications

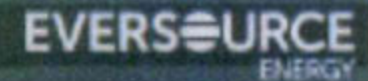
- Briefings, Presentations
- Emails
- Door hangers
- Field meetings

■ General Public:

- **Transmission Hotline 1-800-793-2202**
- **Email: TransmissionInfo@eversource.com**



Contact Information



Scott McDermott
Project Manager
scott.mcdermott@eversource.com

For municipal officials:
Marcia Wellman
Transmission Senior Project Manager
860.728.4547
marcia.wellman@eversource.com

For the public:
Transmission Hotline 1-800-793-2202
Email: TransmissionInfo@eversource.com

Deb Goldstein

From: James W. Smith
Sent: Friday, April 7, 2017 10:42 AM
To: TTD Board Members
Subject: FW: Walk Bridge Program - Conference Call 04.04.2017
Attachments: Scott E. McDermott.vcf

Folks: Just FYI. We are working out the details on reimbursement, etc. The section regarding East Ave. gives you a good idea of exactly what they are thinking of in terms for timing for the project.

Jim

From: Piteo, Michael G. [mailto:Michael.Piteo@ct.gov]
Sent: Wednesday, April 05, 2017 4:06 PM
To: James W. Smith; Mike Adams
Cc: Fallon, James A
Subject: Walk Bridge Program - Conference Call 04.04.2017

Jim / Mike – Just a follow-up and a few notes from our conversation yesterday:

Re: Eversource T-line relocation project – Scott McDermott is the PM for Eversource and is your primary point of contact for the project. Please feel free to contact Scott now or any time in the future should any questions or concerns arise. Scott did indicate that once a relocation route is nailed down, Eversource will be reaching out to all stakeholders (including TTD) for an informational/coordination meeting. I've attached Scott's contact information.

Re: East Avenue - The East Avenue road project is scheduled to start construction after the East Avenue bridge is replaced. This sequence is required due to the proposed lowering of the roadway at the bridge (approx. 3' cut). The schedule calls for the bridge work to start in 19' and the road work to start in 22'. However, the design team is evaluating the possibility of advancing aspects of the road project that could be completed without affecting the existing bridge. There are a lot of moving parts but at this point the TTD should plan to start its relocations in 18' in order to accommodate the bridge projects (Fort Point, Osborn, East Ave). It could be a few months before we know if aspects of the road project will be advanced. As we discussed, once we have all test pit data and determine the extent of impacts to TTD facilities, we can then work out a firm scope and relocation timeline.

Re: Reimbursement - As discussed, TTD is generally eligible for 100% reimbursement for engineering/construction expenses and the DOT will be issuing Project Authorization Letters for this purpose pursuant to the recently executed CTDOT/TTD Master Utility Agreement. As mentioned, an exception is the TTD costs associated with the engineering phase of the East Avenue road project. The engineering phase of the East Ave road project is funded solely by the City of Norwalk. An additional item not discussed but merits mention is that there are statutorily required adjustments to the reimbursement amount which have the net effect of reducing the 100% reimbursement level to a lower amount. Specifically, TTD should be aware that DOT is required to reduce the reimbursement by the Depreciation Reserve Credit (DRC) amount. The DRC is calculated on the portion of utility facility being replaced. The amount is calculated as follows: Original cost of the utility facility x age of the facility / life expectancy of the facility. I just want to put it out there now b/c it occasional causes concern from some utilities.

Please feel free to contact me with any questions or concerns. Thanks

Michael G. Piteo
Supervising Engineer
CTDOT - Utilities Section

860-594-3266

michael.piteo@ct.gov

Deb Goldstein

From: Diane Cece <dmcece@aol.com>
Sent: Tuesday, May 30, 2017 3:24 PM
To: Deb Goldstein; David Brown; Charlie Yost
Cc: James W. Smith; Ron Scofield
Subject: Eversource electric cabling under/around Veterans Memorial Park and harbor....

Hello Commissioners and Jim/Ron

I know that you are involved in Utility Coordination efforts regarding the Walk Bridge projects. I'm concerned with recent media reports about the proposed routes for underground utilities. <http://www.thehour.com/news/article/Eversource-presents-proposed-route-for-11171856.php>

Will the Commission be taking this topic up at the June 5 meeting?

Diane

dc²

Deb Goldstein

From: James W. Smith
Sent: Wednesday, May 31, 2017 1:31 PM
To: Diane Cece (dmcece@aol.com)
Cc: Ron Scofield; TTD Board Members
Subject: FW: Eversource Transmission relocation

Diane: Please see staff's response below to your recent e-mail inquiry. We are on top of this issue and keep the Commission informed as the State/Eversource continue to develop their plans. We are very careful not to discuss any of this type of information with the Commission too far in advance as schedules, costs, etc. on these type of projects change continually and we do not want to risk delivering misinformation in a public meeting.

Jim

From: Mike Adams
Sent: Wednesday, May 31, 2017 10:02 AM
To: James W. Smith
Subject: Eversource Transmission relocation

Jim,

I attended a 30% project meeting with the state about the Walkbridge project earlier this month. The topic of the Eversource relocation was discussed and Eversource was still in the planning and development phase of their design at that time. There will be some TTD infrastructure impacted by the proposed relocation of the transmission lines but the full impact will not be realized until Eversource finalizes their plans. Possible impacts to TTD would be the relocation of infrastructure along Fort Point Street on both side of the Fort point bridge as well as some possible removal of plant in the Goldstein plaza property. All these cost have and will be submitted to the state as part of the projects cost estimate which is in progress as requirements change. Let me know if you have any other questions.

Regards,

Mike Adams
General Line Foreman
Third Taxing District
2 Second Street
E. Norwalk, CT 06855
Ph: 203-866-9271
madams@ttd.gov

Deb Goldstein

From: Diane Cece <dmcece@aol.com>
Sent: Monday, June 5, 2017 3:13 PM
To: James W. Smith
Cc: Ron Scofield; TTD Board Members
Subject: Re: Eversource Transmission relocation

Jim, et al:
Thanks for the info.

However, I must respectfully disagree with your approach on these matters, especially as to timing of Commission communications.

Our Commissioners are smart, engaged and logical folks who are more than capable of understanding preliminary information that contains multiple possibilities. Not sharing information when you have it places TTD in a reactive, versus proactive, position. Given the appropriate timeframe for gathering information, it is almost always best to be a part of the group reviewing and weighing alternatives, then to simply be informed of the final choice, after the fact.

Best,
Diane

dc²

-----Original Message-----

From: James W. Smith <jsmith@ttd.gov>
To: Diane Cece (dmcece@aol.com) <dmcece@aol.com>
Cc: Ron Scofield <rscofield@ttd.gov>; TTD Board Members <BoardMembers@ttd.gov>
Sent: Wed, May 31, 2017 1:31 pm
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Regards,

Mike Adams
General Line Foreman
Third Taxing District
2 Second Street
E. Norwalk, CT 06855
Ph: 203-866-9271
madams@ttd.gov

Deb Goldstein

From: Deb Goldstein
Sent: Monday, June 5, 2017 9:26 AM
To: James W. Smith
Subject: RE: Eversource Transmission relocation

Seriously, this should not be the first I am hearing of this.

From: James W. Smith
Sent: Wednesday, May 31, 2017 1:31 PM
To: Diane Cece (dmcece@aol.com) <dmcece@aol.com>
Cc: Ron Scofield <rscofield@ttd.gov>; TTD Board Members <BoardMembers@ttd.gov>
Subject: FW: Eversource Transmission relocation

Diane: Please see staff's response below to your recent e-mail inquiry. We are on top of this issue and keep the Commission informed as the State/Eversource continue to develop their plans. We are very careful not to discuss any of this type of information with the Commission too far in advance as schedules, costs, etc. on these type of projects change continually and we do not want to risk delivering misinformation in a public meeting.
Jim

From: Mike Adams
Sent: Wednesday, May 31, 2017 10:02 AM
To: James W. Smith
Subject: Eversource Transmission relocation

Jim,

I attended a 30% project meeting with the state about the Walkbridge project earlier this month. The topic of the Eversource relocation was discussed and Eversource was still in the planning and development phase of their design at that time. There will be some TTD infrastructure impacted by the proposed relocation of the transmission lines but the full impact will not be realized until Eversource finalizes their plans. Possible impacts to TTD would be the relocation of infrastructure along Fort Point Street on both side of the Fort point bridge as well as some possible removal of plant in the Goldstein plaza property. All these cost have and will be submitted to the state as part of the projects cost estimate which is in progress as requirements change. Let me know if you have any other questions.

Regards,

Mike Adams
General Line Foreman
Third Taxing District
2 Second Street
E. Norwalk, CT 06855
Ph: 203-866-9271
madams@ttd.gov

Deb Goldstein

From: James W. Smith
Sent: Tuesday, June 27, 2017 9:08 AM
To: TTD Board Members
Subject: FW: Fort Point Street Railroad Bridge Meeting Review

Folks: FYI. As requested.
Jim

From: joec [mailto:joec@cristino.com]
Sent: Monday, June 26, 2017 4:32 PM
To: Mike Adams
Cc: James W. Smith; Bill Ruedeman; 'Ralph S. Catalano, P.E. (rsc@psscs.com)'
Subject: Fort Point Street Railroad Bridge Meeting Review

Mike: We met with Emily Rice and the full crew of representatives from the City, State, Frontier, Eversource, CATV and their contractors at the bridge site. While the majority of the discussion was focusing on the Frontier riser pole on the North side of the bridge, Bill, Pau and I had a chance to look at the TTD facilities. For this project, the most important TTD issue is the street and floodlighting in the interest of public safety. To that end, we didn't receive any negative feedback regarding pole relocations or possible street light and secondary conductor attachments to the Eversource monopoles.

While the District's work may not represent a large portion of the project, it does directly impact public safety and we raised that point several times. Emily was on-board with all of our points of concern, most notably the setting of new or temporary poles (either by Frontier or TTD) for the purpose of maintaining the street lights on Fort Point Street, the under-bridge lights on the West bridge abutment (for pedestrian lighting) and the floodlights in the parking lot of 25 Van Zant Street.

Keeping in mind that the project documents are only at the 30% level, undoubtedly, there will be changes in the details. There shouldn't be any changes that would have a major impact on the District's electrical system or cause a headache for TTD.

Joe

Joseph A. Cristino, P.E.

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THE HOUR <http://www.thehour.com/news/article/Eversource-presents-proposed-route-for-11171856.php>

Eversource presents proposed route for 115-kilovolt transmission lines

By Robert Koch Updated 10:40 am, Thursday, May 25, 2017



[Buy Photo](#)

Power lines running atop the Walk Bridge in Norwalk, Conn. Friday, October 7, 2016. As the Connecticut Department of Transportation prepares to replace the Walk Bridge, Eversource Energy must put forward its plan to replace and/or relocate power lines running atop the existing 120-year-old bridge.

NORWALK — The Norwalk Visitor's Docks are in for another round of disruption when Eversource Energy relocates two high-voltage transmission lines as part of the Walk Bridge replacement.

On Wednesday evening, Eversource presented to the [Norwalk Harbor Commission Application Review Committee](#) its proposed route for the 115-kilovolt transmission lines, which now follow [Metro-North Railroad's](#) New Haven Line and run atop the 120-year-old bridge.

The rerouted transmission lines would go below ground at the [Norwalk Police](#)

Department headquarters parking lot at 1 Monroe St., run below Elizabeth Street, go under the harbor from 90 Water St. and emerge at the north end of the Visitor's Docks parking lot, according to a map provided by Eversource.

"We're going to be putting in splice vaults and then trenching our way out of the parking lot," said **Marcia Wellman**, transmission senior project manager for Eversource.

Asked Harbor Management Commission Chairman **Anthony Mobilia**, "In other words, you'll be digging up the parking lot?"

Wellman said the parking lot would be dug up to create the trench to run the transmission lines and restored afterward.

The parking lot was recently repaved as part of a \$2.1 million overhaul of the Visitor's Docks, which are scheduled to reopen today, according to city officials.

Michael P. Libertine, vice president/director of siting and permitting for **All-Points Technology** Corp., a consultant engaged by Eversource, spoke afterward about the potential effects.

"We certainly will be occupying some parking areas temporarily while the work is going on," Libertine told The Hour. "But in terms of use of the docks, that type of thing, I think the goal is to try to do that off-season as much as possible."

A map provided by Eversource shows the northern half of the Visitor's Docks parking lot shaded and used as temporary easement. A similar temporary easement at 90 Water St., however, would be the principle work area, according to Eversource.

From the Visitor's Docks, the new transmission lines would continue underground below Fort Point Street and emerge above ground at the railroad tracks.

The on-land portion of the project is not the only concern for the Harbor Management Commission.

Commissioner **John T. Pinto** noted the new transmission lines would run under the harbor bed close to the northern-most docks. Such placement could limit repairs or

additions to the docks and pilings that support them, according to the commission.

This coming winter, the Norwalk Department of Recreation and Parks plans to replace the docks and install steel pilings to support them.

Pinto suggested Eversource rethink the route and have the transmission lines emerge at Veterans Memorial Park well south of the Visitor's Docks area.

Wellman said such a route would require another splice vault, but she indicated Eversource would explore the idea. The company has yet to finalize its plans, and much review and permitting lies ahead.

Eversource hopes to start the transmission line relocation project in January 2019 and complete it by year's end. The project will require the approval of the [Connecticut Siting Council](#) and permits from the state [Department of Energy and Environmental Protection](#) and [U.S. Army Corps of Engineers](#).

The power company maintains the project will not harm wetlands or the harbor given that the new transmission lines would run up to 30 feet below the harbor bed.

While acknowledging the project will cause disruptions, Eversource described the proposed transmission line route as the most favorable among 14 options considered.

"It has the least impact, overall, to the community," Wellman said.

A barge is expected to go into place in the harbor to perform test borings in advance of the work.

Eversource said it must relocate the lines before the DOT replaces the Walk Bridge. The bridge replacement is not expected to begin until 2019 at the earliest.

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HEARST

Deb Goldstein

From: REDACTED
Sent: Monday, June 5, 2017 11:06 AM
To: Deb Goldstein
Subject: Eversource

This is interesting from the Siting Council's website. Eversource will make the argument that no certificate is needed for its project because it is a rebuilding of an existing electric transmission line. I think that is subject to debate. It's re-routing of a portion of an existing electric transmission line. Mr. Stein, chairman of the Siting Council, said they will evaluate Eversource's request and make a determination and there will be an opportunity for the city to comment.

DOCKETS (Applications for a Certificate of Environmental Compatibility and Public Need) **What is an application for a Certificate of Environmental Compatibility and Public Need?**

An application for a Certificate of Environmental Compatibility and Public Need (Certificate) is a request by a project developer to construct, maintain and operate a facility that is jurisdictional to the Council. The Council's statutory charge is to balance the public need or benefit of a proposed facility with the effects of the proposed facility on the natural environment of the state at the lowest reasonable cost to consumers.

An application for a Certificate is assigned a docket number for processing purposes.

How long does it take to render a decision on a docket?

For an electric transmission line facility, the Council has one year from the date an application is submitted to render a decision.

For all other facilities, the Council has 180 days from the date an application is submitted to render a decision that may be extended with the consent of the applicant by no more than an additional 180 days.

A proposed schedule for the public hearing process, including, but not limited to, a pre-hearing conference, submission of interrogatories, responses to interrogatories, submission of exhibits and pre-filed testimony, and the public hearing is posted to the webpage for the pending matter. Dates are tentative and subject to change in the event that additional evidentiary sessions are required. The Council will announce the additional evidentiary session dates that will be posted to the webpage for the pending matter, as well as to the Council's calendar.

PETITIONS FOR DECLARATORY RULINGS **What is a petition for a declaratory ruling?**

A petition for a declaratory ruling is a request for a determination from the Council that no Certificate of Environmental Compatibility and Public Need is required for an action related to a jurisdictional facility that will not have a substantial adverse environmental effect, including, but not limited to, increasing the height of an existing cell tower, expanding the footprint of an existing electric substation or rebuilding/reconductoring an existing electric transmission line.

The Council is also required by statute to review and approve certain new jurisdictional facilities by a petition for a declaratory ruling, including, but not limited to, fuel cells, electric generating facilities to be constructed at a site where a past electric generating facility operated prior to July 1, 2004 and electric generating facilities using renewable energy sources with a generating capacity of not more than 65 megawatts that comply with air and water quality standards of the Department of Energy and Environmental Protection.

How long does it take to render a decision on a petition for a declaratory ruling?

The Council has 180 days from the date of receipt to render a decision on a petition; however, within 60 days of receipt of a petition, the Council, in writing, must:

1. Issue a declaratory ruling;
2. Order the matter set for public hearing;
3. Agree to issue a declaratory ruling by a specified date;
4. Initiate regulation-making proceedings; or
5. Decide not to issue a declaratory ruling.

The Council may extend the 180 day decision deadline on a petition within a longer period as may be agreed by the parties.

<http://www.greenwichtime.com/local/article/Eversource-drops-controversial-power-line-plan-11281630.php>

Eversource drops controversial power-line plan

By Ken Borsuk Published 6:48 pm, Tuesday, July 11, 2017

GREENWICH — Eversource Energy has withdrawn a controversial plan for a new substation in central Greenwich that had called for above-ground power lines to be strung along the Metro-North corridor in town, much to the relief of officials and residents who had vocally opposed the plan.

The energy company still is pursuing another scenario for the station, which would install power lines underground connecting the existing station in Cos Cob to a new one built on Railroad Avenue.

Members of the state Siting Council, which has the authority to approve or deny the substation plan, will tour parts of Greenwich Thursday. A public hearing is set for Thursday evening.

"We are extremely gratified with the outcome of this," First Selectman Peter Tesei said. "We will continue to work to assure the impact of this work on the town is minimized and everything meets our expectations."

The abandoned plan had called for above-ground transmission lines to be run atop tall steel poles on land between Interstate 95 and the Metro-North Railroad tracks, stretching from Cos Cob to Steamboat Road. The lines would then have proceeded underground from Steamboat to Railroad Avenue.

Officials and residents objected on an aesthetic level and because the "hybrid plan" would have required digging and installing the poles near a major sewer line.

Frank Poirot, spokesman for Eversource, said the hybrid plan was withdrawn because the Connecticut Department of Transportation denied permission to use the route it had proposed.

"We learned late last week that we were not going to get permission for us to use that area," Poirot said Tuesday. "We do not know specifically what the reason was but we have heard there are upgrades planned for up and down the shoreline route."

Judd Everheart, a spokesman for the Connecticut Department of Transportation, could not be reached for comment.

Poirot acknowledged the utility had heard the town's objections to the hybrid option, but said it had been developed after calls from the town and the Siting Council to develop a less expensive alternative than connecting the two stations the entire way underground. Poirot said the plan would have cost an estimated \$20 million less than the option still in play, which the town has said it prefers, and would involve feeder lines going underground through areas of Bruce Park that already have roadways on them.

The Connecticut Siting Council last year rejected a similar plan. It too would have built a new substation on Railroad Avenue connected through underground transmission lines to the Cos Cob substation.

Town officials have said the current proposal, which they worked on with the power company, differs in that the lines would not include a chemical fluid considered an environmental threat in the original plan.

"There is an opportunity now for greater communication between us, the town of Greenwich and the Siting Council," Poirot said.

Tesei said he looked forward to continuing the town's collaboration with Eversource to "develop an environmentally sensitive and financially acceptable plan that will address not only the current but the future utility needs of Greenwich's residents and its businesses."

Eversource insists a new substation is necessary because the current one in Cos Cob will soon no longer be able to meet demand from Greenwich customers.

"The town's approach is simple," said Director of Zoning Katie DeLuca. "We want to work with Eversource under the guidance of the Connecticut Siting Council to identify the best solution to the Town's energy needs. Next steps include a rigorous vetting process."

The Siting Council will meet twice on Thursday as part of its consideration of the utility's application. First it will gather at 2 p.m. in the parking lot of Greenwich Library to take a bus tour of the proposed route. Members of the public are free to follow the bus along the tour.

A public hearing will then be held at the library's Cole Auditorium starting at 6:30 p.m.

Poirot said any changes to the remaining proposal as a result of discussions with the town would be done as part of the Siting Council's process, which could take months.

"We will build anything the Siting Council asks us to build," Poirot said. "We can't predict what the Siting Council will want."

Residents will be looking for more clarity as the process continues, said state Rep. Fred Camillo, R-151st.

"While the one plan is off the table due to DOT's rejection of the Eversource request for using their right of way along the train tracks, I am looking forward to clarification on the remaining plan, which is to go through Bruce Park," Camillo said. "It was not clear today if it is to run along the park and I-95 or if it encroaches more into the park. That is significant and I am looking forward to receiving the latest on the proposed project."

kborsuk@greenwichtime.com

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NANCY ON NORWALK

Chimento illuminates Walk Bridge updates

By
Nancy Chapman

2:23 AM EDT
JUNE 26 2017

10 COMMENTS



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A suggestion for tweaking the Connecticut Department of Transportation's design for the Walk Bridge, from architect Bruce Beinfield.

Update, 3:34 p.m.: Comment from Bruce Beinfield. Correction, 3:30 p.m.: Frank Poirot is an Eversource spokesman.

NORWALK, Conn. - Ideas percolate for the look of a new Walk Bridge, but one thing is settled - there will be no ugly high

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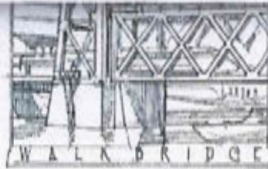
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A suggestion for tweaking the Connecticut Department of Transportation's design for the Walk Bridge, from architect Bruce Beinfield.

Public Works Director Bruce Chimento said, of proposed high tower relocation plan that, months ago, included

mono poles through SoNo.

Chimento, in giving NancyOnNorwalk an update on progress in the Connecticut Department of Transportation's effort to build a new railroad bridge over the Norwalk River, Chimento explained comments made by officials about the North Water Street overpass and an underground powerline through SoNo. He also provided the news that architect Bruce Beinfield has offered tweaks on the Walk Bridge's appearance.

Beinfield, a member of the bridge Design Advisory Committee (DAC), sent an email last week to DAC members:

"At the prompting of a couple of committee members, my office has prepared tower top options in response to comments at the June 6th meeting. There was a general preference for the two-story schemes, based in part on the iconic nature of the existing high towers. (Assistant to the Mayor) Laoise (King) also noted the appeal of the simple traditional

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in the towers.

"The option rendered in ink for your review, expresses the form of the great wheels in the tower, and has a simple, whimsical, grittiness that is intended to speak of the Norwalk Waterfront. I have included a few other sketches too."

Beinfield on Monday said he didn't think ConnDOT has seen the sketch.

"It was a sketch we provided aimed at conveying to the design team, that Norwalk wants a bridge that speaks of Norwalk. The local members of the DAC plan to meet to discuss providing additional guidance to the bridge design team," Beinfield said in an email.

From the police station to Van Zant Street

Eversource is planning to bury a powerline under the Norwalk River, Economic Development Director Elizabeth Stocker told the Redevelopment Agency recently.

A new tower would go up at Norwalk Police headquarters, and the line would go under Elizabeth Street, under the river, under Veterans Park and Fort Point Street and up again at Van Zant Street, Stocker said.

Chimento said Monday that this plan

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option of replacing the current infrastructure with mono poles, from the bridge area to Oyster Shell Park, Burns told The Norwalk Center Task Force. That would destroy the view of Norwalk Harbor, Task Force member Peter Viteretto said, summing up Burns' description.

ConnDOT has to replace the high-tension lines that go across the Walk Bridge, carrying electricity to East Norwalk, before the actual bridge construction begins, Chimento said Monday.

Instead of mono poles, the lines are going in an underground conduit, Chimento said, describing the conduit as more like a 14-foot by 8-foot tunnel, filled with high voltage lines.

The tunnel would probably go under the entrance road at Veterans Park, and the wires will come back up to the railroad tracks at Van Zant Street, he said.

"It makes absolute sense to me," Chimento said.

A NoN reader suggested that the tunnel might affect the newly completed Veterans Park boat ramp.

Eversource media spokesman Frank Poirot had this to say, in a Friday email:

"We have two transmission lines that run along the railroad corridor. In order to rebuild the Walk Bridge, we



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over a year to discuss a preliminary design, which has the support of the city and CDOT. While the preliminary design concept does follow the route which you have outlined in your email, it would not, as currently designed, interfere with the new visitor's dock or boat ramp.

"Additional work must be completed before we finalize a proposed design and file for required necessary state and federal permits. It would be premature to provide drawings for a design which may change as more work is completed."

Miscellaneous updates

Redevelopment Agency Executive Director Tim Sheehan and Stocker also talked about the North Water Street abutments and an easement. Catenaries will be reused, Stocker said.

Decisions about the North Water overpass are on hold until the bridge design is more finalized, Chimento said.

ConnDOT wants to come across North Water with a girder but a lattice-type structure is also being talked about, Chimento said. You'd be able to see through the latter but then the beam that holds up the bridge would have to be wider, he said.

explaining that developers want to use the aged catenaries for aesthetic purposes.

ConnDOT needs to use land under the bridge, where the IMAX theater is now, for construction, he said. When construction is complete, the easement will expire and the city will get the land - but its use will be restricted.

Norwalk can't build a building but it could be a park, Chimento said. There could be boat launches for the Maritime Aquarium.

ConnDOT engineers say they are still at "30 percent design," but according to Chimento that's just a classification and they're probably much further along.



The Connecticut Department of Transportation has agreed to restore the original iron fencing, gates, and associated masonry at the original entrance to the Lockwood Mathews Mansion along West Avenue, as shown in this vintage photo. (Courtesy Norwalk Historical Commission)

If they declared themselves to be at "60 percent design" certain statutes would kick in and there would be resultant requirements, he said.

"There's criteria ... it triggers certain things," Chimento

said, reminding NoN that there are other bridge projects connected to the Walk Bridge construction,

"We are still discussing the detour plan. They are discussing what the bridge structures would look like, on top," Chimento said. "I think it's important that we all come together and decide what those towers look like and what you can do, like opening them up and lighting them."

In September, ConnDOT lit up the Q-Bridge in New Haven, a.k.a. The Pearl Harbor Memorial Bridge, according to

news reports.

"It's just gorgeous," Chimento said, suggesting that LED lights could also make the new Walk Bridge special.

"It's a very subtle thing," Chimento said. "It looks very nice and I think they can do the same things for these towers. ... as long as it makes it look nice and it fits in with the character."



A suggestion for tweaking the Connecticut Department of Transportation's design for the Walk Bridge, from architect Bruce Beinfield.

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Thanks to Steve Rust and Tim Gaylord who represent the Arts Commission on the Walk Bridge Design Advisory Committee. Per Bruce Beinfeld's input and Bruce Chimento's comments "making it look nice" is important.

Lisa Brinton Thomson

June 26, 2017 at 8:15 am

Compensation to Norwalk for the disruption is also an issue. Norwalk cannot be shortchanged like it is with ECS funding by the state.

Debora Goldstein

June 26, 2017 at 8:41 am

People should note that a lot of the "officials" referenced are engineers making decisions among themselves without the elected officials responsible for providing the input on behalf of the public at large.

Discussions about undergrounding lines in TTD territory have not been brought before the Commission, so that the rate-payers can be advised of the the full cost to them from these changes to their utility. No compensatory arrangements have been made for the ongoing future costs, or for the permanent revenue losses from alk of the eminent domain takings related to the project.

The TTD cannot be expected to continue to absorb these costs without rate increases or property tax assessments.

Also, its laughable that the city is complaining about ruining the skyline when they are the

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Isabelle Hargrove

June 26, 2017 at 10:19 am

We have a bridge design advisory committee but no vision for how our town could benefit from this project instead of being crushed by it. As it appears to often be the case, Norwalk burns as we fiddle...

And this is a stellar example of putting lipstick on a pig! Actually, it appears to add on to the structure to make it even more intrusive. Isn't Mr. Beinfield the architect who wanted to build a mansion on a tiny strip of land on Farm Creek? If nothing else he is consistent in his architectural choices.

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served the needs of Darien hockey teams. I don't remember Public comment solicited for that endeavor and I hope it doesn't come back next year. But at least it was temporary.

Between the new power lines and the new walk bridge, what is the mitigation plan for addressing the likelihood that pollutants and contaminants buried in sediment won't be further released into the Norwalk River? Or are we just resigning ourselves to fully killing the river? I've been told Vets park was built on what should have been a Super Fund site.

I realize Metro North and Amtrak have a lot riding on this project. But we have to live here.

Michael McGuire

June 26, 2017 at 3:57 pm

I'm amazed that in all this talk about the Walk Street Bridge, the Dockyard project, East Norwalk Station etc. that there is no talk by RDA, City Hall, or Planning regarding a Wall Street Train Station.

Even when our local State Representative show strong bi-partisan support for re-activating the Wall Street Station.

Am I missing something? This is a golden opportunity to help Norwalk thrive. If government can't see to fund this station as part of the larger project (note the station should not cost more than a rounding error on a budget to \$1.0 BILLION), how will it get done later?

Answer - it wont. This must be done now as part of the Walk Street Bridge project!

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If you want a great downtown Wall Street,
build a train station. Nothing else has seemed to
work in the past 40+ years.

Debora Goldstein

June 26, 2017 at 3:58 pm

Donna,

There was at least one public hearing on the
ice rinks. Unfortunately, it was running parallel
to the approval process for the zip-line pro-
posal in Cranbury Park.

That said, what is constructed each fall (for 9
more years, at least) exceeds what the council
was asked to approve. (There are two profes-
sional rinks, instead of one full-size rink and one
practice rink, for example).

It has slid past the deed restrictions in the park
due to its "temporary" nature. It stayed up past
its promised exit date in the lease without
penalty and the arrangements for "rent" are
laughable when weighed against what the com-
pany would pay a real landlord for land that
isn't "free" because it is in a park.

Debora Goldstein

June 26, 2017 at 4:19 pm

To your question about environmental con-
cerns connected to the Walk Bridge, there is
much detail in the EA/EIE report relating to the
current favored bridge design. Public comment
on that is closed after a previously held public
hearing.

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The report and documents are all available at:

<http://www.walkbridgeet.com/project documents/>

Lightfield

June 26, 2017 at 6:56 pm

Wall Street Train Station, New Library or New School. Pick one or all. Invest in the future of Norwalk instead of decorations.

Donna

June 27, 2017 at 8:58 am

Debora

Is there a sunset on the ice rink?

Will there be other opportunities for public comment on the walk bridge or on the Ever-source line under the park?

A friend who used to live in East Norwalk told me Vets Park was built on what now would be a Super Fund site.

LEAVE A REPLY

Name *

Debora Goldstein

Email *

thederrywitch@yahoo.c

Website

Comment

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About this site

NancyOnNorwalk.com was conceived as the place to go for Norwalk residents to get the real, unvarnished story about what is going on in and around their city. NancyOnNorwalk does not intend to be a print newspaper online; rather, it exists to pull the curtain back and shine a spotlight on how Norwalk is run and what is happening regarding issues that have an impact on taxpayers' pocketbooks and safety. As an Independent site, NancyOnNorwalk's first and only allegiance is to the reader.

About Nancy

Nancy came to Norwalk in September 2010 and, after reporting on Norwalk for two years for another company, resigned to begin Nancy On Norwalk so she engage in journalism the way it was meant to be done. She is married to career journalist Mark Chapman, has a son, Eric ([the artist and web designer who built this website](#)), and two cats – a middle-aged lady and a young hottie who are learning how to peacefully co-exist.

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Contact:
Elizabeth Stocker
estocker@norwalkct.org
203-854-7948

Norwalk, CT
Friday, July 28, 2017

MAYOR RILLING ANNOUNCES NEXT PHASE OF WALK BRIDGE UNDERWAY

The City learned this week that after months of meetings with City Officials and community members, CT DOT has passed its first hurdle in the Walk Bridge Project and has secured permission from the Federal Transit Administration to move forward to the next phase of the project.

"This determination is only the first phase of the Walk Bridge replacement project," explained Mayor Rilling. "While the FTA uses the term *"Finding of No Significant Impact"* (FONSI) to describe the end of the first phase, the finding does not mean that Norwalk will not be impacted by the project – it is a term that means that working together there are things that can be done to mitigate the short and long term effects of the project. In fact, there are many more phases to follow including numerous permits from state and federal agencies.

While the CT DOT has been working closely with the City of Norwalk and interested stakeholders to advance this project, there remains much work ahead to work out the fine details of the project including environmental mitigation, bridge design, construction sequencing, traffic and parking mitigation as well as support for economic impact mitigation for area businesses. "

"My team has facilitated 28 meetings over the past 8 months between CT DOT and various stakeholder groups," Mayor Rilling stated. "We will continue to work diligently to ensure that the project will cause the least amount of disruption to the environment, residents and businesses in the areas surrounding the Walk Bridge. It is our top priority. To this end, we will continue to monitor all activities, undertake necessary planning and work with the CT DOT to ensure that the City of Norwalk, its residents, businesses and visitors are protected from known impacts.

We have much more planning ahead of us to ensure that the interests of our community are properly addressed before the project gets under way in 2019. I ask for the community and stakeholders to continue to take an interest, provide feedback and to prepare and plan for the upcoming project."

End

On July 17, 2017, the Federal Transit Administration (FTA) issued a Finding of No Significant Impact (FONSI) for the Walk Bridge Replacement project. By doing so, FTA has determined that no further evaluation is required under the NEPA. On July 6, 2017 the CT Office of Policy and Management (OPM) issued a determination that the EA/EIE satisfies the requirements of the Connecticut Environmental Protection Act (CEPA) for this project. Both the FONSI and the ROD/Determination of Adequacy are available on the CT Department of Transportation's website: www.ct.gov/environmentaldocuments

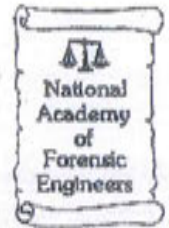
Donna I. King
City Clerk

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Third Taxing District – East Norwalk, CT
East Avenue Bridge Replacement & East Avenue Roadway Improvement
Utility Coordination Meeting 001 – Monday, June 12, 2017

Draft Meeting Notes

1. Project Scope

- CT DOT personnel and consultants provide a general overview of both the East Avenue Bridge Replacement and East Avenue Roadway Improvements Projects.
 - East Avenue Roadway Improvements to include widening the roadway and widening affected sidewalks to 8-feet.
 - East Avenue Bridge Replacement to include replacing the Bridge's structural elements, abutments and widening to a final width of 58-feet (abutment to abutment). Proposed elevator/ADA compliance features, new platform(s), and commuter parking were reviewed.
 - East Avenue road lowering from Four Points Street to Winfield Street.

2. Project Schedule

- Preliminary project schedule was discussed highlighting the following estimated milestone dates:
 - 60% Traffic Plan completion – 2017 year end.
 - 90% Design completion – Spring 2018.
 - 100% Design completion – Year end 2018.
 - Initial construction – Spring 2019.

3. Utility Reimbursement

- Reimbursement was discussed for each project; East Avenue Roadway Improvements & East Avenue Bridge Replacement. Future meetings will determine/define reimbursement responsibilities for CT DOT, City of Norwalk, and Norwalk District Utility companies.

4. Existing Utilities

- Utilities plans were discussed by each respective owner for the East Avenue Roadway Improvements & East Avenue Bridge Replacement Projects.
 - East Avenue Roadway Improvements
 - Sidewalk design, dimensions, City of Norwalk sidewalk ordinance, pole placement, and available right-away space were discussed. Frontier Communications conveyed their concern with allocated space and requested exact pole locations to eliminate unfunded pole adjustments. TTD conveyed that various poles located on East Avenue are owned by TTD.
 - TTD power circuits travel underground through conduit raceways from 215 East Avenue driveway and cross East Avenue to Four Points Street. Raceway depths appear to coordinate with planned milling (roadway lowering) and anticipated new drainage piping based on test pit reports. *Note: Manholes constructed with brick require replacement due to road widening.*
 - TTD described a workaround plan for underground conduit raceways that travel from the 215 East Avenue driveway and cross East Avenue to Four Points Street. This workaround plan may not be necessary due to raceway depths coordinating with proposed milling (roadway lowering) and drainage piping depth.
 - TTD duct banks that travel north on East Avenue from Fitch Street appear to coordinate with proposed plans based on test pit reports.
 - East Avenue Bridge Replacement
 - Three (3) TTD power circuits travel underground through conduit raceways from the sidewalk manhole located in front of 215 East Avenue (East Side) to the southwest side of the Bridge. Two raceways/circuits continue to a riser at the first pole located on the southwest side closest to the Bridge (Pole 3). The third raceway/circuit continues to a hand-hole then to a riser at the second pole (Pole 1) located on the southwest side of the Bridge.

- One (1) TTD secondary power service-drop, originating at the first pole located on the southwest side closest to the Bridge (Pole 3), terminates to a disconnect switch located on the southwest Bridge abutment. This service supplies sidewalk lighting underneath the Bridge.
- One (1) TTD aerial 4160VAC power cables travel underneath the east side of the Bridge from a pole located at the northeast side of the Bridge (Pole 6) to a pole located at the southeast side of the Bridge (Pole 4).
- One (1) TTD 96-pair aerial fiber communication cable travels underneath the west side of the Bridge from a pole located at the northwest side of the Bridge (Pole 5) to a pole located at the southeast side of the Bridge (Pole 3).
- One (1) TTD 6-pair aerial copper communication cable travels underneath the east side of the Bridge from a pole located at the northeast side of the Bridge (Pole 6) to a pole located at the southeast side of the Bridge (Pole 4). TTD conveyed the communication cable can be temporarily interrupted.
- One (1) City of Norwalk aerial fiber communication cable travels underneath the west side of the Bridge. Cable utilized for traffic signaling and municipal communications.
- Aerial fiber cable located underneath the west side of the Bridge is owned by Lighttower. Lighttower plans to permanently relocate their cable.
- IceNet cables located underneath the west side of the Bridge.
- TTD conveyed the power circuits that travel underneath the bridge can be de-energized for a brief period of time that eliminates system redundancy.
- Relocating the three conduit raceways to against the west abutment underneath the sidewalk was discussed. TTD questioned the cost versus benefit of the proposed relocation. This proposed relocation to be discussed at a future date.

5. Discussion

- City of Norwalk conveyed a potential for converting all aerial utilities on East Avenue to underground in proposed construction areas.
- City of Norwalk is hosting ongoing community outreach sharing proposed features of both the East Avenue Roadway Improvements and East Avenue Bridge Replacement Projects. Discussions to focus on interim train station changes, commuter parking, access, and traffic control.
- A temporary 480VAC, 3-Phase electric service was requested for construction lighting, power, etc. Service type and location to be determined at a future meeting.
- CT DOT requested clearances for TTD duct banks. 36" of depth was conveyed with 12" of physical separation from adjacent drainage piping.
- Vertical working clearance of 15' was discussed underneath the 115KV Eversource transmission lines. Eversource to provide crane and spotters. Short-term transmission outages are possible. Outage requirements to be determined at a future meeting.
- Train Station parking and platform lighting electric services were reviewed.

6. Action Items

- CT DOT to plot proposed drainage piping at Station 16+21.
- TTD to develop workaround plan for their 96-pair aerial fiber communication cable that travels underneath the west side of the Bridge from a pole located at the northwest side of the Bridge (Pole 5) to a pole located at the southeast side of the Bridge (Pole 3).
- TTD to explore workaround plan for their 6-pair aerial copper communication cable that travels underneath the east side of the Bridge from a pole located at the northeast side of the Bridge (Pole 6) to a pole located at the southeast side of the Bridge (Pole 4).

- Frontier Communications to field verify East Avenue pole locations.
Report to CT DOT in 1-month.

End Of Draft Meeting Notes

East Avenue

Utility Poles in Project Areas

Notes:

1. Widening East Avenue Roadway +/- 4 ft curb to curb between Fort Point Street and Myrtle Street.

2. Elevator and Stair Structures proposed to the west of Pole 3 and east of Pole 5 under the East Avenue Bridge Replacement Project.



Deb Goldstein

From: James W. Smith
Sent: Monday, June 19, 2017 2:39 PM
To: TTD Board Members
Subject: FW: TTD - East Avenue Bridge Replacement and East Avenue Roadway Improvements
Attachments: TTD - Draft DOT UCM 001 Meeting Notes - 6.12.17.pdf

Folks: FYI on East Ave Roadway project. Both parties are requested to take notes (Mike/Jim and CAI and share.
Jim

From: Mike Adams
Sent: Monday, June 19, 2017 9:48 AM
To: James W. Smith
Subject: FW: TTD - East Avenue Bridge Replacement and East Avenue Roadway Improvements

Jim,

I ask Ralph from CAI to follow up with meeting notes from my utility coordination meeting last week. Please find attached his submittal for your review.

Regards,

Mike Adams
General Line Foreman
Third Taxing District
2 Second Street
E. Norwalk, CT 06855
Ph: 203-866-9271
madams@ttd.gov

From: Ralph S. Catalano, P.E. [<mailto:rsc@psscscs.com>]
Sent: Friday, June 16, 2017 5:13 PM
To: Mike Adams
Cc: Joe Cristino; Lois Buchanan; Lucy Peterson - CAI
Subject: TTD - East Avenue Bridge Replacement and East Avenue Roadway Improvements

Good afternoon Mike, I hope all is well!!

As requested, please find attached Draft Meeting Notes for Utility Coordination Meeting 001 - East Avenue Bridge Replacement & Roadway Improvements. Please review and provide your comments. Going forward, we can develop final meeting notes to include your comments or any changes.

Have a good weekend!! Please contact me if you have any questions.

Best Regards,

Ralph S. Catalano, P.E. - Principal

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Norwalk "Walk" Bridge comments:

With the impending "Walk" bridge construction on the Norwalk River by the Norwalk Harbor, I feel compelled to write this letter as I could not stick my head in the sand on this project. The Environmental Assessment/Environmental Impact Evaluation (EA/EIE) immediately gives me the feeling that, due to its length, most will not read it and will be impressed just due to the length. That is far from the truth.

The EA/EIE Section 4 (f) Evaluation Environmental impact Evaluation made me absolutely cringe and was far from a professional job, except when discussing the railroad. I am sure researchers from the University of Connecticut or the CT DEEP could do a more accurate and superior job of identifying what organism can be found in the harbor as well as how the currents will be shifted by construction, and how dredging will affect the harbor. UCONN should seriously be considered to write the EA/EIE as they will approach it without a bias and are a skilled resource in our state and this can add to their knowledge of the State's waters and resources.

I am writing this as simply a taxpayer, no affiliation to any political party nor any organization, but as a biologist who tends to think logically and has been on and in the waters of Long Island Sound and the Norwalk Harbor for over 45 years. I also have a lack of faith in the leadership in the community and the State to do what is needed as Norwalk has not had a great track record with major construction projects and the staff and consultants they hire to make sure the projects are done correctly, and the State has not had a great record for bridge maintenance. For example, the "Bound Brook Estates" (sinking homes), the Norwalk H.S. gym (put in sideways), the Norwalk H.S. addition (forgot the bathrooms), and the Brien McMahon addition did not follow the original Educational Specifications which I was in charge of putting together. These Ed. Specs were not a personal fantasy, but, were gathered from discussions with each teacher, each department, the administration as well as the public. In the original ed specs for the BMHS addition it called for 15 rooms for science, solar panels, and glass southern exposure to trap passive solar heat for winter months. The "experts" that attended the 2003 public meeting at Brien McMahon said that the student population of Norwalk was projected by their calculations to get smaller (I wondered what planet they came from) so they put in less rooms, and solar and passive solar were not efficient and nor cost effective and we all remember what happened to the cost of fuel and energy after that – the extra cost would have long been paid for by now. As for the State, how can we forget the Mianus bridge and all of the bridge inspection reports that have appeared in the newspapers since then citing a serious need for maintenance. Please, I would hope we can get this bridge right.

To start, are we putting the cart before the horse with this bridge project? Before any large-scale construction is planned the issue of dredging the Norwalk River needs to be examined and settled on. After the last dredging of the Norwalk Harbor in 2014, the members of the Harbor Commission were advised by the Army Corps of Engineers that the 2013-14 dredging was probably the last dredging that would be paid for with federal money due to a lack of commerce up river. If this is true, and the Feds, the City of Norwalk, CTDOT, nor anyone else are not going to pay for dredging, then there is no need to plan a movable bridge to last the next 100 + years as large vessels will not be able to go up

river after 30 years that would require any opening!!! I don't know how much of a tax increase the Norwalk taxpayers are willing to take on to cover this cost for mostly recreational boaters and someone else's business. Dredging a river is much more expensive than paving a road and it needs to be done more frequently.

Dredging of the harbor has taken place in 1872, 1873, 1874, 1875, 1878, 1879, 1880, 1881, 1882, 1884, 1886, 1888, 1890, 1907, 1945, 1950, 1953, 1954, 1955, 1956, 1960, 1964, 1980-81, 2013-14. The earlier dredgings took place more frequently as the equipment was smaller and less powerful and could only complete the work in sections of the river and harbor, but as equipment improved, it became necessary once every 10 to 25 years and could be done in 1 to two years. However, major storms could change all of that as more sediments wash down stream and more frequent dredgings could be needed. We know from the past that at least 4 feet of sediment can be shifted into channels from one storm.

Also, in Norwalk city planning, there are future plans to develop along the river and harbor, reducing the number of marinas.

In speaking to people from ConnDOT on 8/16/16 at the Maritime Aquarium at Norwalk, I was told that there would be very little impact until construction would begin. WRONG! Merchants on Washington St., and Water St. already know there will be road closures and they will be impacted. I know from talking with people at law firms as well as real estate agents – it has already impacted them. No merchant in their right mind would invest in a business on these streets not knowing, at least for the next 4 to 5 years, when access to the business will not be available and for how long. Some are already thinking of bailing out. How many restaurants can keep staff when opening and closing irregularly? Most staff will leave for jobs with a degree of consistency if given the opportunity. How many patrons would go to restaurants with constantly changing staff and not knowing when they might be open or not, or if parking is far away – especially during winter months?

The following was presented at the meeting on 8/16/16 at the Maritime Aquarium:

- 1) The single rise Bascule bridge – side nearest Aquarium (west side) opens and closes. East side is hinged.
 - a. Pro's: fewest moving parts of moving bridge therefore lower maintenance cost, less taxpayer investment over time.
 - b. Con's requires: building parallel tracks to existing bridge – requires more eminent domain property seizures. Would require new foundations and removal of the old foundations. Dredged material would need to be disposed of – dumping it in Long Island Sound only hastens the speed in which it fills in and takes away another colder habitat for animals in warm weather. Would require hardening of the river banks up and down stream from the bases of the bridge due to eddies created by bases deflecting river currents. If mechanical failure, the RR lines are shut down. Work might require relocation of overhead power line towers.

- 2) Through Truss Vertical Lift bridge – entire mid section rises to accommodate large vessels. Must lift 80 to 100+ ft to accommodate sail masts. A 70 ft. sailboat can have a mast 93 ft. in length.
 - a. Pro's: would probably provide the most jobs to build for 3 or more years. Most companies would love to build this due to the amount of work it would require. It would be an engineering feat that would probably garner awards – engineer type people would come to see it.
 - b. Con's: would be the most expensive, would require duplicate lift systems, and therefore double the cost of maintenance of mechanisms to open the bridge. Would also be the ugliest when viewed from I95 or the harbor. Could require double the time down for maintenance and double the price. Would require new foundations and removal of the old foundations. Requires building parallel tracks to existing bridge, - requires more eminent domain property seizures. Would require hardening of the river banks up and downstream from the bases of the bridge due to eddies created by bases deflecting river currents. Work would require relocation of overhead power line towers.
- 3) Through Truss Rolling Bascule Bridge — In this alternative, a pair of 160-foot Truss Rolling Lift Bascules will each carry two tracks adding redundancy so a mechanical problem does not impact all four tracks.
 - a. Pro's: would probably provide the 2nd most jobs to build for 3 or more years. It has the ability to have a backup if mechanics for one bridge failed – at least two tracks would be open.
 - b. Con's: would be the 2nd most expensive, would require duplicate lift systems, and therefore double the cost of maintenance of mechanisms to open the bridge. Would require new foundations and removal of the old foundations. Requires building parallel tracks to existing bridge, - requires more eminent domain property seizures. Would require hardening of the river banks up and downstream from the bases of the bridge due to eddies created by bases deflecting river currents. Work would require relocation of overhead power line towers.

Not shown at meeting: Weld present bridge in place, build support system above and around the bridge (truss work) as well as new cross members under the bridge. Cut out old support system which will provide an extra 10 to 15 feet of clearance. Either buy a tug for Devine bros. to pull barge to their business – leave it north of the bridge – or compensate them for the additional cost for trucking material. Compensate United Marine for a loss of revenue based on business the last 10 years.

- a. Pro's: Cannot fail open! Would require less seizure of property by eminent domain. Would cost about the same as a single lift bridge. Should not require a loss of Metro North service as construction could take place during service. Would reduce dredging, and have less of an environmental impact. Once the old supports under the bridge are removed the greater majority of the 250 boats up river will easily pass under the bridge and not need it open (most do not need it open now)! Could be done mostly

from the river and on the existing bridge. Would require the least maintenance. Because no additional tracks are needed, less eminent domain seizures are needed. Zero maintenance for mechanisms to open and close bridge as well as energy costs to open and close bridge. Could use existing foundations if reinforced. Presently at high tide there is about 12 feet of bridge clearance for a vessel passing underneath, this construction method could add another 10 feet or more of clearance at high tide. Would not require moving overhead power lines.

- b. Con's: would cost as much to build as the other bridges – but less for eminent domain. Accommodations would need to be made for the vessels requiring more height south of the bridge in the available marinas, I doubt if it is more than 20.

To get a rough idea of how many sailboats there are up river so I would have an idea of usage other than Devine Brothers, I used Google Earth and came up with the following:

April 2016 – 33 – mostly on shore at United Marine,

Sept 2015 – 14,

Sept 2014 – 15,

Sept 2013 – 9,

March 2012 – 51 – mostly on shore at United Marine,

Aug. 2010 – 15

2011 photo's not sharp enough to identify power boats from sailboats.

Note: United Marine mostly winter stores vessels on shore – only has slips for maybe 10 boats in summer depending on their size.

For the remaining part of this letter I will be referencing the Walk Bridge website section from the notification I received on 9/7/16, "Environmental Assessment/Environmental Impact Evaluation for the Walk Bridge Replacement Project, it appears that there are other bridge options they are looking at: a long span vertical lift, a short span vertical lift and still a bascule bridge but in all cases, each will be composed of two sections with each section containing two tracks so that if the bridge fails open, hopefully they can close one section and have some railroad service. What is listed under section 2.3 "alternatives not advanced for further evaluation" is replacement of the fixed bridge. The reason stated: "Would not meet purpose and need with regard to dependability and capacity for marine traffic". Are you kidding me?! What is more dependable than a fixed bridge? As for capacity for marine traffic – this is the Norwalk River – not the Hudson or Connecticut River. We are going to create a bridge so that a few recreation boaters can go up river and have it cost the taxpayers money for construction as well as maintenance. The boats with tall masts will have the ability to find slips in other marinas. All of the present power boats will be able to pass under the bridge if the replacement bridge is constructed with the support structure above the railroad bed.

The Environmental Impact Statement (EIS) is probably the weakest EIS I have ever seen. It does not show any regard for the Norwalk environment and my high school marine biology students could have done a more accurate assessment of the animal assessment. Section 3 page 79 there is table 3-8 "Essential Fish Habitat in the Vicinity of Walk Bridge" taken from a NOAA Source, has species stated that are very misleading. The NOAA Fish Habitat Mapper v 3.0 is a regional mapper – NOT SPECIFIC to the Norwalk Harbor in the vicinity of the bridge. Indeed, it is way off as in the harbor we do not

find Little Skate, Squid, Atlantic Mackerel, Atlantic Butterfish, and Atlantic Herring, Pollock, Ocean Pout, and Red Hake. We can, on occasion, find some of them outside the Harbor beyond the islands in more saline water – but they are just passing through the area. What are probably the most abundant in-harbor species are *Fundulus sp.* (mummichogs, killifish), Atlantic Silversides, Menhaden, cunner, tomcod, pipefish, sticklebacks and Tautog– and they are not even mentioned and are primary food sources for the larger fish species! These are all species that could be affected by silt, noise and changes in dissolved oxygen levels, as well as the fluke and flounder that they do mention.

In the section on Water Quality, there is no mention of how dredging up the river bottom will release the industrial wastes buried there over the years that came from hat factories (mercury) as well as the drum recycling company and a chemical company and how it will impact shellfish beds further down stream and into the harbor as this material may not be stopped with a screen. It only mentions that they will be disposed of by existing guidelines (whose?) and it is mentioned later that screens will be used, but it does not mention to what degree they are efficient. And, it does not mention under what conditions will they cease dredging (if specific tolerances are exceeded).

Throughout the “Environmental Assessment/Environmental Impact Evaluation for the Walk Bridge Replacement Project, there are sections titled “No Build Alternative” and “Build Alternatives”. Again, I find it beyond logic wondering why total replacement of the bridge in place, girder by girder is not considered! If you look at how minimal the impact will be, it makes no sense, Yet on table 2-1 listed under “Alternatives Not Advanced” for High Level option fixed bridge it states “High environmental impacts” and “High Costs”. If no new piers are required, no removal of salt marshes, and minimal dredging to how would that have more environmental impact? And, how could a fixed bridge not be dependable?

For Mid-level option for fixed bridge it would meet the purpose of most of the marine traffic and would be more dependable than a moving bridge as nothing has to move and if the support system takes place above the bridge, the clearance for vessels should be over 25 feet. I do not understand how they say it would not meet needs for dependability – it doesn’t have to move!

Pg. 3-82 in the list of birds actually seen on and in proximity of the “Walk” bridge, the list is missing: peregrine falcon, American coot, Brant, Cattle egret, Common Loon, Greater and lesser Scaup, Old Squaw (Long tail), and the past two years we had bald eagles fishing the river from late April to August.

On pg 3-83 under marine mammals, both ringed and harbor seals have been seen in the river by the bridge. Also, for marine turtle, the most commonly found in the area is the diamondback terrapin. Their young as well as snapping turtle young have been found on the banks of the river by the bridge.

In 3.1.3 – Potential Impacts, there is no mention as to an estimate for the loss of revenue to the businesses on Washington St., and North Water St. due to road closures.

Nor, the potential loss of the rowing program, which has made a significant contribution to the Olympic rowing program with three rowers coming from programs on the Norwalk River in the past 10 years. At least twenty seven have rowed in college, at least 8 have placed in world and national

championships and over 20 have placed in junior national championships which probably opened their doors to NCAA competition. This is a major accomplishment, and could be impacted severely by construction. Rowers are required to row up to 3000 meters, and when training, this takes them from the river into the Harbor. The longer construction blocks this passage, the more it will cut into the training. It is being treated like they are just a bunch of recreational rowers out for a good time! Many of the present youth rowers have their future on the line and need to excel to be competitive on the NCAA or National level or Olympic level.

Section 4 "Resiliency and Sustainable design"

Before we even start on analyzing this section we should be aware of the fact that with Tropical Storm Sandy, the tidal surge brought the water level up to within one foot of the tops of most pilings. If the storm had lasted one more hour, most of the docks, and boats attached to them would have all been floating loose and slamming into each other and what ever was in their way, including buildings, and bridges. Having stated that, please note that according to table 4-1, if we follow NOAA's high scenario, we should be prepared for a water level rise of 9 feet over the next 100 years. Now, add onto that another 15 to 20 foot tidal surge for a category 4 or 5 hurricane and the bridge and tracks will need to withstand the impact of the vessels. We have had four category 3 hurricanes hit Connecticut (1938, 1944, 1954 and 1985). If severity is going to increase as we are told to expect, we should have the same number in this next century, but they will be category 4. So, if one really wants sustainability – there needs to be an entire raising of the railroad bed, tracks and bridges or movement well above sea level.

As far as resiliency – the best way to get hazardous weather resiliency would be to run a parallel set of track along interstate 95, which for the most part, is elevated enough not to worry about coastal flooding. Having a second set of tracks next to the ones that should be impacted doesn't provide any resiliency. Having two sets of tracks on a bridge doubles the maintenance costs and if one set fails, yes the railroad might get through if the railroad beds are not wiped out, but not the vessels.

Section 5 it states that CTDOT will employ best management practices (BMP's) during all the work on the water. Whose BMP's? Where will confined sediment be placed? If roundabouts are used, and wheel greasers are implemented, what will be used to minimize the petroleum that ends up on the ties and rails from getting in the water? There is no mention of the amount of acceptable noise both in the air and water. Please take a look at the environmental impact statement for the Tappan Zee bridge. They cover all of that.

In table 5-2 there is no mention of blue-back herring, northern diamondback terrapins, common Loon, great and snowy egrets, bald eagles (2 this year) seaside sparrow. Anyone who has spent a few hours on the shore here in the summer would be aware of the loons, egrets and sparrows.

I would hope that the leaders of the State of Connecticut and City of Norwalk would require that the CTDOT do a much better analysis of this bridge program and a professionally done environmental impact statement by trained scientists and economic impact by trained economists for Norwalk. It is

sad to think that State officials think so little of the people of Norwalk to think all of us would be impressed with this document and buy into it.

If you would like to discuss this please feel free to contact me.

Most sincerely,

Joe Schnierlein
38 Grandview Ave.
Norwalk, CT.

jschnierlein@optonline.net or (203) 858-7640 (cell)

Eversource Transmission Relocation Project

Norwalk Harbor Commission
September 27, 2017

- Introductions
- Project Need
- Work in the Harbor
- Design criteria
- CT Siting Council
- Environmental Permitting
- Schedule

- Eversource currently has two 115,000 (115-kV) transmission lines that run along the railroad corridor.
- In order for the Walk Bridge to be rebuilt Eversource must relocate these lines through SONO, reconnecting to the railroad corridor further east.
- The Project team has been meeting with state and local officials for over a year.
- In April, the City, CDOT, and Eversource reached agreement on a preferred route.

Proposed Route for the Transmission Lines

EVERSOURCE
ENERGY



- Electrical Reliability/Constructability
 - Meets all required electrical reliability standards; proposed route limits any hard angles and minimizes coordination with the railroad
- Project Cost
 - All routes that were reviewed are similar in costs
- Limit Social impacts
 - Versus other design options: eliminates need for OH lines throughout SONO, constrains impacts to residential & business properties, avoids impacts to sewage treatment facility and Heritage Park and limits impact to Veterans Park
- Limit environmental impacts
 - Poses no adverse impact to use or health of Norwalk Harbor

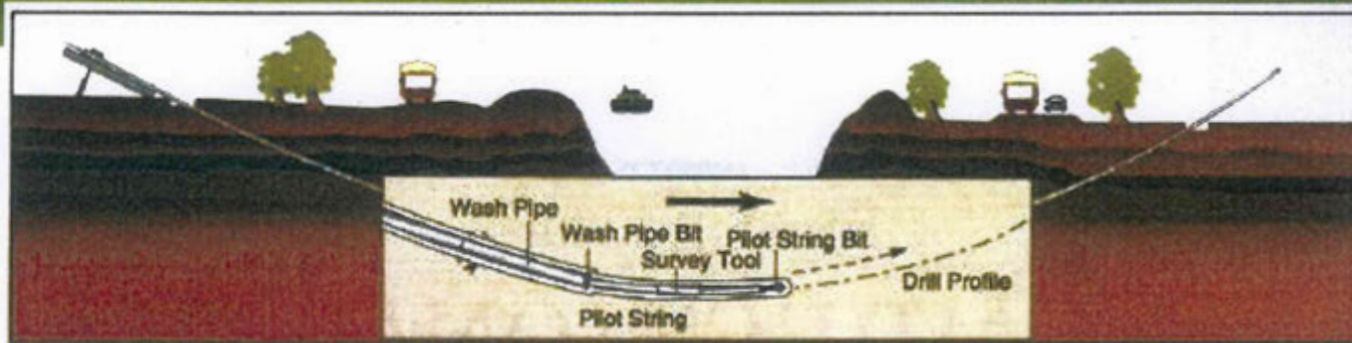
The Norwalk Harbor



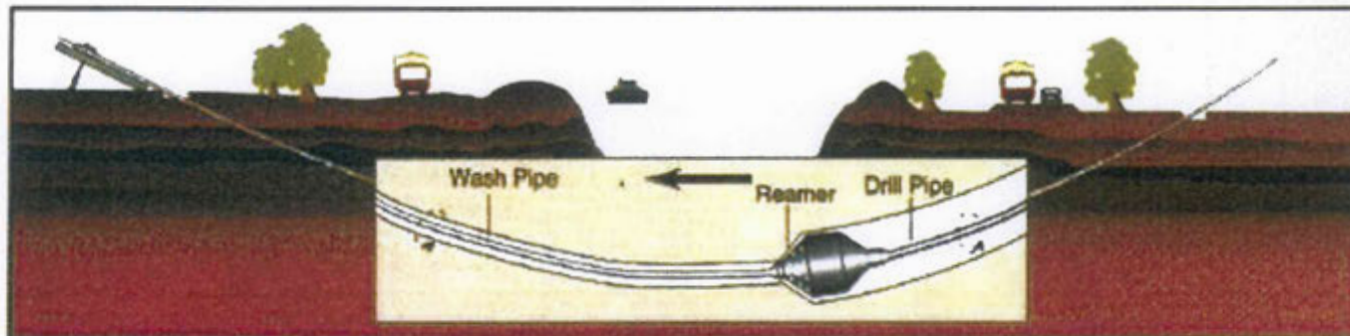
- Eversource will propose crossing the harbor with a horizontal directional drill (HDD)
- HDDs are typically used when open trench excavation is not practical such as under bodies of water or highways.
- In the proposal, 90 Water Street would be the “sending” site. The Project has spoken with the Spinnaker leadership and they support our use of the site.
- Veteran’s Park would be the “receiving” site.
- The current schedule has the HDD work beginning in 4th Q 2018.

Horizontal Directional Drilling

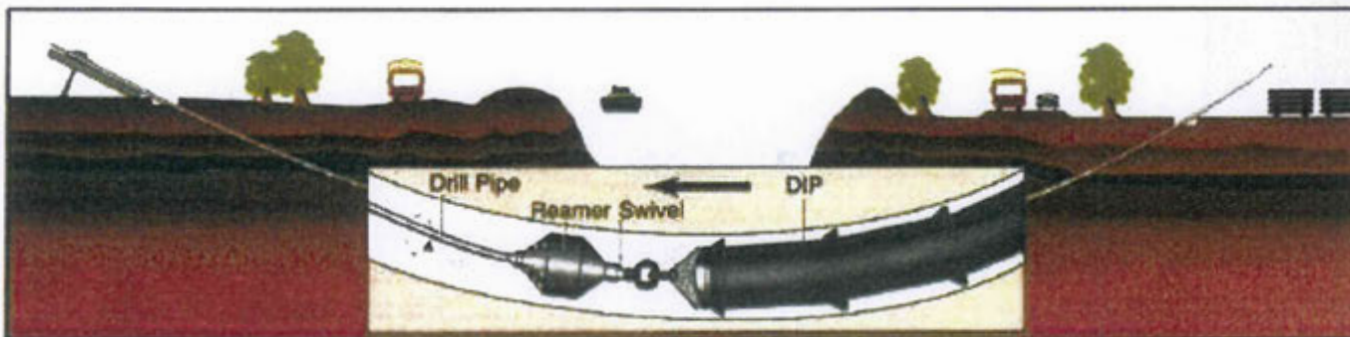
EVERSOURCE
ENERGY



PILOT HOLE



PRE-REAMING



PULL-BACK

Horizontal Directional Drilling

EVERSOURCE
ENERGY



Required Environmental Permits

- DEEP LWRD - Structures, Dredging and Fill Permit
Harbor Commission Consultation
ACOE Consultation
Aquiculture Consultation
Shellfish Consultation
- ACOE – Section 10 of the Rivers and Harbors Act
Construction Permit
DEEP Stormwater Pollution & Control Plan

- The CT Siting Council (CSC) has authority over all electric facilities 69,000 volts (69 kV) and above.
- The Project will be filing a Petition For A Declaratory Ruling that no Certificate of Environmental Compatibility & Public Need is required with the CSC.
- The CSC has 60 days to review the filing but they have the ability to extend the review period. They also have the ability to deem it necessary to conduct a public hearing.

Project Schedule *

Begin working with Norwalk officials – 3rd Q 2016

Agreement with the City and CDOT on the route – 3rd Q 2017

File the Petition with the CT Siting Council – 4th Q 2017

File Environmental Permits – 4th Q 2017

Begin Construction – 4th Q 2018

Complete Construction – 4th Q 2019

Brief Stakeholders – 2016 through 2019

*subject to change

■ Key Stakeholders

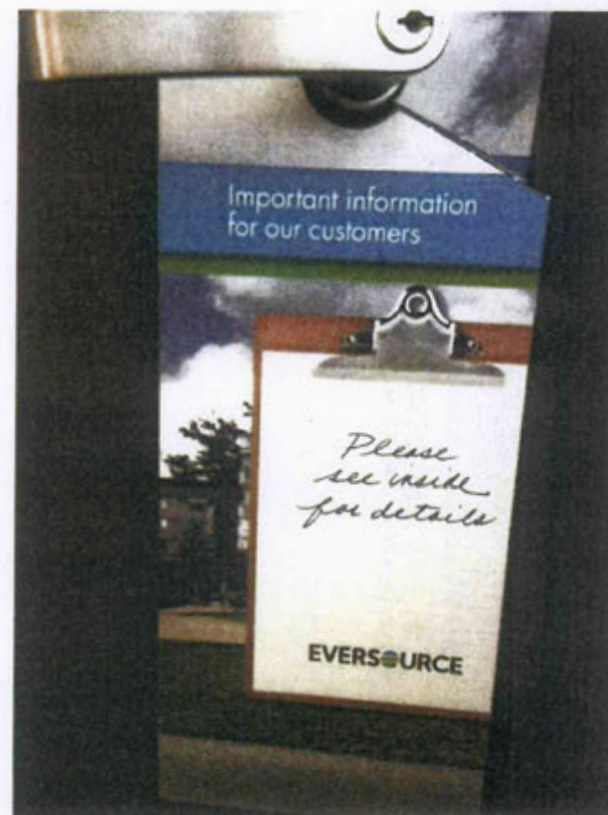
- Property Owners/Residents
- Businesses
- Local Officials
- State Officials

■ Communications

- Briefings, Presentations
- Emails
- Door hangers
- Field meetings

■ General Public:

- Transmission Hotline 1-800-793-2202
- Email: TransmissionInfo@eversource.com



Contact Information



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3. When there is a limit imposed on the powers of a body, it must conform to those limits, and when it acts under a delegation of power, it must act strictly within the limits of the powers conferred upon it by the authority that created it.

Sec. 49. Right to Act for a Body—Quorum

See also Sec. 43, Indispensable Requirements for Making Valid Group Decisions, particularly Par. 4; and Ch. 44, Secs. 500-506, Quorum.

1. All members of a large group cannot always meet together to make decisions. There must be some rule to determine when a group is sufficiently represented at a meeting that its members present can speak for its entire membership. It is recognized as a general rule that a majority of a group is necessary to act for the entire group.

2. The power or authority that establishes a public body also may determine what number constitutes a quorum. In a public body with a definite membership, that number is never less than a majority, but a larger number may be required for the body to have authority to act for any purpose or only for certain purposes.

Sec. 48, Par. 3: Hannibal & St. Joseph R.R. v. Marion County (Mo., 1865); Nebraska ex rel. Spire v. Pub. Employees Ret. Bd. (Neb., 1987); Randall v. Fairmont City Police Dept. (W.Va., 1991).

Sec. 50. Majority Control

See also Sec. 43, Indispensable Requirements for Making Valid Group Decisions, particularly Par. 8; and Ch. 45, Secs. 510-518, Vote Required.

1. A fundamental and seemingly universal principle is that at least a majority of the vote cast is required to make decisions for a group.

2. If powers were given to a minority, the question immediately would rise as to what minority. In any group there can be but one majority, but there may be many different minorities.

3. To require more than a majority to reach any decision confers on less than a majority the power to block or prevent a decision. *

4. The requirement of a majority to take an action is not in any sense an arbitrary rule but is a fundamental principle.

5. The only situation where there may be a deviation from the requirement of an absolute majority vote is the case of elections where rules authorize a plurality vote. This is a situation where there are more than two candidates running for the same office in the same election and the rule provides that the one who gets the highest vote will be elected, although that candidate may not receive a majority of the legal votes cast. Also, where there are several persons running for several identical offices—for example, there are three offices of director to be filled and six candidates for the office to be elected—the rule may say that the three candidates who receive the highest votes are elected, but the rule

also may provide that only those who receive a majority vote are elected.

6. The power that establishes a public body can require the vote of more than a majority to take certain actions, but, unless more than a majority vote is clearly required, a majority vote can take any action that the body has the power to take.

Sec. 51. Delegation of Powers

See also Sec. 512, Two-Thirds Vote, particularly Par. 6; and Sec. 518, A Legislative Body Cannot Delegate Its Powers.

1. A public body cannot delegate its powers, duties or responsibilities to any other person or groups, including a committee of its own members. However, a legislative body may delegate by rule such procedural powers as appointment of members of standing, special and conference committees as well as the power to refer bills to committee to a constitutional presiding officer who may or may not be a member of the body.
2. Where duties or responsibilities are imposed on a public body as on a state legislature, that body is bound to exercise those duties and responsibilities and cannot divest itself of them by delegation to others.
3. Legislatures may delegate to administrative agencies the power to promulgate rules necessary for the proper exercise of the laws. The delegation of some law-making

Sec. 51: Florida v. Carswell (Fla., 1990); Hawaii v. Christie (Hawaii, 1988); Pennsylvania Medical Providers Ass'n v. Foster (Pa., 1990); McFaddin v. Jackson (Tenn., 1987); Utah v. Green (Utah, 1990); Diversified Inv. P'ship v. Dept. of Social and Health Serv's (Wash., 1989).

Sec. 51, Par. 1: Dye v. Mississippi (Miss., 1987).

authority is a necessary feature of modern government because the current degree of regulatory activity can be performed only by administrative agencies. An administrative agency's authority allows it to fill in details necessary for the proper execution of the laws.

4. Because the legislature may delegate some of its law-making authority to administrative agencies, it may properly condition the exercise of the delegated authority. However, the condition imposed by the legislature may not contain a grant to any branch of government to function in a manner prohibited by the constitution.

5. When delegating rule-making authority to administrative agencies, the legislature must declare a general policy and prescribe standards for administrative action.

6. The duties and responsibilities vested in a group are of necessity to be exercised by the majority unless granted subject to other conditions. Such a body cannot delegate its essential powers to a minority even of its own members. A provision in the rules—for example, that a two-thirds vote is necessary to take a particular action—would delegate to any minority of more than one-third of the members the power to prevent the action being taken and grant to that minority the power to control the determinations of the body. The powers of the body to that extent would be delegated to a minority.

Sec. 51, Par. 3: Opinion of the Justices (Md., 1981).

Sec. 51, Par. 4: Alaska v. A.L.I.V.E. Voluntary (Alaska, 1980); Opinion of the Justices (Md., 1981).

Sec. 51, Par. 5: Louisiana v. Broom (La., 1983); Opinion of the Justices (Md., 1981).

3. In the absence of an express rule or constitutional provision, a proposition is carried in legislative assemblies by a majority of the votes cast, and the exercise of law-making power is not stopped by mere silence and inaction of some who are present but do not vote.

4. In the conduct of the business of a legislative body, the principle of majority rule is of the very essence. Parliamentary law is based firmly upon it. It is, in fact, the basis upon which popular self-government largely rests.

State Treasurer's Settlement (Neb., 1897); *Houser v. School Dist. of South Sioux City in Dakota County* (Neb., 1972); *Chase v. Bd. of Tr's of Nebraska State Colleges* (Neb., 1975); *Attorney General v. Shepard* (N.H., 1882); *Attorney General v. Remick* (N.H., 1902); *Attorney General v. Bickford* (N.H., 1914); *Frost v. Hoar* (N.H., 1932); *In re Opinion of the Justices* (N.H., 1953); *Abels v. McKeen* (N.J., 1867); *Mount v. Parker* (N.J., 1867); *Hutchinson v. Belmar* (N.J., 1898); *Housman v. Earle* (N.J., 1923); *Ex parte Willcocks* (N.Y., 1827); *McFarland v. Crary* (N.Y., 1830); *In re Brearton* (N.Y., 1904); *Morris v. Cashmore* (N.Y., 1938); *Town of Smithtown v. Howell* (N.Y., 1972); *Hill v. Ponder* (N.C., 1942); *North Dakota ex rel. Moore v. Archibald* (N.D., 1896); *Ohio ex rel. Shinnich v. Green* (Ohio, 1881); *Commonwealth v. Fleming* (Pa., 1903); *Meyers v. Philadelphia Union League* (Pa., 1908); *Commonwealth ex rel. Fox v. Chace* (Pa., 1961); *South Carolina v. Delisesseline* (S.C., 1821); *Webb v. Carter* (Tenn., 1914); *Comm'r's Court of Limestone County v. Garrett* (Texas, 1922); *McMillen v. Neeley* (W.Va., 1909); *Wisconsin ex rel. Burdick v. Tyrrell* (Wis., 1914).

Sec. 510, Par. 2: *Iowa v. Dickie* (Iowa, 1878); *Warnock v. Lafayette* (La., 1849); *Doll v. Flintkote Co.* (La., 1955); *Missouri v. McBride* (Mo., 1836); *Green v. Weller* (Miss., 1856); *Morton v. Comptroller General* (S.C., 1873); *English v. Texas* (Texas, 1879); *Wisconsin ex rel. Burdick v. Tyrrell* (Wis., 1914).

Sec. 510, Par. 3: *Waples*, Sec. 134; *In re Opinion of the Justices* (N.H., 1953); *Laconia Water Co. v. City of Laconia* (N.H., 1955).

Sec. 510, Par. 4: *Tilson's Manual*, Sec. 19.

Sec. 511. More Than Majority of Legal Votes Cast May Be Required

See also Sec. 43, Indispensable Requirements for Making Valid Group Decisions, particularly Par. 8.

1. Where a constitution or controlling provision of law requires a majority vote of the entire membership or of all members present or any other number or proportion to take a particular action, that vote must be obtained; a vote of less than that number, although a majority of those present and voting, a quorum being present, is not sufficient.

2. The constitutions of many of the states require an affirmative vote of a majority of the members elected to each house of the legislature for the passage of bills.

3. Constitutional provisions as to the number of votes required for the final passage of bills are mandatory.

Sec. 511, Par. 1: *Anniston v. Davis* (Ala., 1893); *McCracken v. San Francisco* (Calif., 1860); *Pimental v. San Francisco* (Calif., 1863); *People ex rel. Funk v. Wright* (Colo., 1902); *Connecticut ex rel. Duane v. Fagan* (Conn., 1875); *Evanston v. O'Leary* (Ill., 1897); *Cascaden v. City of Waterloo* (Iowa, 1898); *Hansen v. Town of Anthon* (Iowa, 1919); *Warnock v. Lafayette* (La., 1849); *Louisiana ex rel. Garland v. Guillory* (La., 1935); *Marionneaux v. Hines* (La., 2005); *Zeiler v. Central Ry. Co.* (Md., 1896); *Baker v. Police Comm'r's of Port Huron* (Mich., 1886); *Missouri ex rel. Kiel v. Reichmann* (Mo., 1911); *Center Bank v. Department of Banking and Finance* (Neb., 1981); *Commonwealth ex rel. Swartz v. Wickersham* (Pa., 1870).

Sec. 511, Par. 2: State Constitutions: Ala. IV, 63; Alaska II, 14; Ariz. IV, Part 2, 15; Ark. V, 22; Calif. IV, 8(b); Colo. V, 22; Del. II, 10; Fla. III, 7; Ga. III, Sec. V, 5; Hawaii III, 13; Idaho III, 15; Ill. IV, 8; Ind. IV, 25; Iowa III, 17; Kan. II, 13; Ky. 46; La. III, 15(g); Md. III, 28; Mich. IV, 26; Minn. IV, 22; Miss. IV, 55, 62; Mo. III, 27; Mont. V, 11; Neb. III, 13; Nev. IV, 18; N.H. II, 20, 37; N.J. IV, Sec. IV, 6; N.M. IV, 17; N.Y. III, 14; N.C. II, 23; N.D. IV, 13; Ohio II, 15; Okla. V,

Sec. 512. Two-Thirds Vote

See also Sec. 281, Right of Legislative Bodies to Suspend Rules; and Sec. 285, Vote Required to Suspend the Rules.

1. When a two-thirds vote is required for any purpose by a constitution or controlling provision of law, that vote must be obtained for the vote to be effective.
2. A two-thirds vote means that the affirmative vote must be equal to twice the negative vote. It is not necessary that it exceed a ratio of two to one.
3. The requirement of a two-thirds vote, unless otherwise specified, means two-thirds of the legal votes cast, not two-thirds of the members present or two-thirds of all the members.

34; Ore. IV, 25; Pa. III, 4; S.D. III, 18; Tenn. II, 18; Utah VI, 22; Va. IV, 11; Wash. II, 22; Wis. VIII, 8; Wyo. III, 25; *People ex rel. Reitz v. DeWolf* (Ill., 1871); *Washington County Comm'rs v. Baker* (Md., 1922); *Minnesota ex rel. Eastland v. Gould* (Minn., 1883); *Missouri ex rel. McCaffery v. Mason* (Mo., 1900); *Hull v. Miller* (Neb., 1876); *Center Bank v. Department of Banking and Finance* (Neb., 1981).

Sec. 511, Par. 3: *Fisher v. Perroni* (Ark., 1989); *Butler v. Bd. of Directors* (Ark., 1912); *Rash v. Allen* (Del., 1910); *Cohn v. Kingsley* (Idaho, 1897); *People ex rel. Reitz v. DeWolf* (Ill., 1871); *McCulloch v. Indiana* (Ind., 1858); *Washington County Comm'rs v. Baker* (Md., 1922); *Minnesota ex rel. Eastland v. Gould* (Minn., 1883); *Missouri ex rel. McCaffery v. Mason* (Mo., 1900); *Missouri ex rel. Schmoll v. Drabelle* (Mo., 1914); *Nebraska ex rel. Blessing v. Davis* (Neb., 1902); *Center Bank v. Department of Banking and Finance* (Neb., 1981); *People v. Devlin* (N.Y., 1865); *Burlingham v. City of New Bern* (N.C., 1914); *North Dakota v. Schultz* (N.D., 1919).

Sec. 512, Par. 1: *Iowa v. Dickie* (Iowa, 1878); *Warnock v. Lafayette* (La., 1849); *Doll v. Flintkote Co.* (La., 1955); *Whitney v. Village of Hudson* (Mich., 1888); *Green v. Weller* (Miss., 1856); *Missouri v. McBride* (Mo., 1836); *Morton v. Comptroller General* (S.C., 1873); *English v. Texas* (Texas, 1879); *Wisconsin ex rel. Burdick v. Tyrrell* (Wis., 1914).

4. Where a constitution or controlling provision of law requires a two-thirds vote of all members, a vote of less than that number, although two-thirds of a quorum, is not sufficient. Even though there are vacancies, a vote equal to two-thirds of the total membership is required.

5. A constitutional provision providing that a certain action requires a two-thirds vote of both houses means a two-thirds vote of each house, and not merely an aggregate two-thirds of the members of both houses.

6. A deliberative body cannot by its own act or rule require a two-thirds vote to take any action where the constitution or controlling authority requires only a majority vote. To require a two-thirds vote, for example, to take any action would be to give to any number of more than one-third of the members the power to defeat the action and amount to a delegation of the powers of the body to a minority.

See also Sec. 51, Delegation of Powers; and Sec. 518, A Legislative Body Cannot Delegate Its Powers.

Sec. 512, Par. 2: In re Opinion of the Justices (Ala., 1934); *Zeiler v. Central Ry. Co.* (Md., 1896); *City of North Platte v. North Platte Water Works* (Neb., 1898).

Sec. 512, Par. 3: U.S. Constitution, Art. I, Sec. 7, Par. 2, Note 106 in House Manual (1947); U.S. Constitution, Art. V, Sec. 1, Note 224 in House Manual (1947); *Rhode Island v. Palmer* (U.S., 1920); *In re Opinion of the Justices* (Ala., 1934); *Warnock v. Lafayette* (La., 1849); *Zeiler v. Central Ry. Co.* (Md., 1896); *Kay Jewelry Co. v. Bd. of Registration in Optometry* (Mass., 1940); *Southworth v. Palmyra & J. R. Co.* (Mich., 1851); *Green v. Weller* (Miss., 1856); *Missouri v. McBride* (Mo., 1836); *City of North Platte v. North Platte Water Works* (Neb., 1898); *English v. Texas* (Texas, 1879).

§ 1-19 Fiscal year and annual meeting of First, Second and Third Taxing Districts.

(Sp. Laws 1937, No. 283, § 1; Sp. Laws 1939, No. 183; Sp. Laws 1945, No. 265, §§ 1, 2; Sp. Laws 1955, No. 438, § 1.)

The fiscal year^[1] of the First Taxing District, of the Second Taxing District and of the Third Taxing District, respectively, of the City of Norwalk shall begin on the first day of January and terminate on the last day of December. Beginning in the year 1956, the annual meeting of each of said districts shall be held on the first Wednesday of March, and notice of each such meeting shall be given in the same manner as is provided in the Charter of said city.

[1] *Editor's Note: See also, § 1-289.*

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2. Parliamentary law differs somewhat from the other branches of common law in that it is based in an important measure upon precedents of legislative and administrative bodies. Particularly in America, however, where the courts have the power to make final decisions on all constitutional questions, the law has been evolving upon the basis of court decisions, and a considerable volume of judicial precedents has accumulated. The application of parliamentary rules to new situations is subject to the same rules of reasoning as the application of established common law rules to new legal situations.

Sec. 45. Parliamentary Law Is Based on Principles

See also Sec. 38, Source of Parliamentary Law.

1. Parliamentary law is a system of principles, not a group of haphazard rules. It is based upon reason and was developed over a long period of time as individual questions were determined upon the best reasoning of the legislative bodies, of their presiding officers and of the courts.
2. Individual rules should be interpreted in the light of basic principles. It is only as a part of a field of law that the true meaning of individual rules becomes clear.
3. With the principles in mind, the detailed rules will be easy to remember and to apply.
4. Ordinarily, from a knowledge of the principles, the rules become evident. In any event the correctness of any rules should be checked against the principles, and if there is no conflict, the rule cannot be far wrong.

Sec. 46. Differences Between Public Bodies and Private Organizations

See also Sec. 38, Source of Parliamentary Law.

1. Parliamentary law, while developed primarily in legislative bodies, applies to all groups of persons meeting as equals to study questions or make decisions.
2. There is a basic difference, however, in some phases of parliamentary law in its application to official public bodies and to private voluntary associations. In a public body the powers do not reside in the members themselves. State legislatures exercise the powers that are delegated to them by the people. County, city and township governments exercise, in general, powers delegated to them by the legislatures or by the people through their constitutions.
3. The organization and powers of a public body cannot be changed by its members. Any change must be made either by or in the manner prescribed by the authority that created it.
4. The powers of voluntary associations arise from the agreement of the members. They are governed by contract. The principal elements of the contract are embodied in the constitution or bylaws.
5. The members of a private association speak for themselves. They represent no one. They are controlled by no outside power. Members can join and leave according to the plan agreed to by the group, and generally as each individual pleases.

Sec. 47. Parliamentary Law Is Applied Differently in Public Bodies and in Private Associations

See also Sec. 38, Source of Parliamentary Law.

1. It follows that, while private associations are governed by parliamentary law, there are extensive differences in parliamentary law as applied to them, and parliamentary law as applied to official public bodies. Many of those differences will be pointed out under the various rules.
2. While the basic rules of parliamentary law are the same, the situations under which they are applied are substantially different.
3. The principal differences in the parliamentary rules that must be applied to official public bodies arise from the following facts:
 - (a) In public bodies the executive has important functions relating closely to the legislative body, and rules must be available to enable the executive and the body to function together without conflict or confusion.
 - (b) All of the state legislatures, except Nebraska, are bicameral, and the relations of the two houses in the enactment of legislation must be closely coordinated. This is particularly important with reference to conference committee procedure to enable the houses to reconcile their differences concerning legislation.
 - (c) Public bodies are governed to a considerable measure by constitutional and statutory rules over which the members have no direct control.

- (d) Public bodies, due to their greater volume of work and more technical functions, require many rules to meet the particular situations of their own bodies that are entirely unknown to private associations. In legislative bodies, a large measure of their procedure is regulated by their own rules.
- (e) Public bodies perform their functions to a considerable measure through committees, and committees become a more essential part of the body and are governed by rules particularly applicable to them.
- (f) Legislative sessions are restricted in time, which imposes special burdens and special problems in procedure.
- (g) Particularly in the enactment of legislation, a technical accuracy is required that is entirely beyond that which is necessary, or even appropriate, to private voluntary associations.

Sec. 48. Limitations on Powers

See also Sec. 38, Source of Parliamentary Law.

1. If Congress or a state legislature violates a constitutional requirement, the courts will declare its act void.
2. Constitutional provisions prescribing exact times and methods are mandatory.

Sec. 47, Par. 3(e): Center For Fair Public Policy v. Maricopa County, Arizona (9th Cir., Ariz., 2003).

Sec. 48, Par. 1: Cross v. Alexander (La., 1986); Missouri ex rel. Fox v. Alt (Mo., 1887); Hanvey v. Oconee Mem'l Hosp. (S.C., 1992).

Sec. 48, Par. 2: Capito v. Topping (W.Va., 1909).

17. The authority of a house of a legislature to pass upon its membership is a continuing power, and the question of the election and qualification of members is never finally decided, in the sense that a decision is conclusive upon the house, until final adjournment. A member at any time may be seated or unseated upon the same facts.

18. A member excluded from office by a body may not be precluded from a seat after a subsequent election solely because of a prior violation of an election law, since to do so would create an additional qualification for office.

* Sec. 561. Power of Legislatures to Discipline Members

1. A legislative body has the right to regulate the conduct of its members and may discipline a member as it deems appropriate, including reprimand, censure or expulsion.

2. A state legislative body possesses inherent powers of self-protection.

See also Sec. 805, Maintaining Order in Public Bodies, particularly Par. 1.

3. Whatever is spoken in the house is subject to the censure of the house.

Sec. 560, Par. 17: Kansas v. Gilmore (Kan., 1878); Montana ex rel. Boulware v. Porter (Mont., 1919).

Sec. 560, Par. 18: Powell v. McCormack (U.S., 1969); Pavlak v. Grove (Minn., 1979).

Sec. 561, Par. 1: Gray v. Gienapp (S.D., 2007); Bryan v. Liburd (Virgin Is., 1996).

Sec. 561, Par. 3: Jefferson, Sec. III.

4. A member who is absent without leave of the house may be found to be in contempt and may be punished as the house may direct.

5. The right of a house to compel the attendance of absent members is usually guaranteed by the constitution. In order to compel attendance, members may be arrested and, when arrested, they continue in the custody of the arresting officer until discharged by the house.

See also Sec. 190, Right to Compel Attendance of Members; and Sec. 191, Right of Less Than a Quorum to Compel Attendance.

6. The constitutional power of a house to arrest and compel the attendance of members is not confined to the time when a call is in effect nor to when there is no quorum. To deprive a house of its power to compel the attendance of any or all members would destroy its function as a legislative body. The majority of the members of a house may compel the presence of all members.

See also Sec. 190, Right to Compel Attendance of Members; and Sec. 191, Right of Less Than a Quorum to Compel Attendance.

7. When a member is absent during the session, and a sufficient excuse is not rendered, those present may take steps necessary to secure the member's attendance and may suspend the member from service of the house for a given period. They also may inflict such censure or pecuniary penalty as may be deemed just.

Sec. 561, Par. 4: Cushing's Legislative Assemblies, Sec. 621; N.Y. Manual, p. 423.

Sec. 561, Par. 5: Hughes, Sec. 655.

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Sec. 561, Par. 7: N.Y. Manual (1948-49), p. 372.

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Sec. 561, Par. 7: N.Y. Manual (1948-49), p. 372.

Sec. 122. Procedure Under Call to Order

See also Sec. 149, Appeals, Points of Order, Inquiries; and Sec. 243, Form of Point of Order.

1. One of the most important duties of the presiding officer is to preserve order and decorum, by restraining members when engaged in debate within the rules of order and enforcing the rules without waiting to have the presiding officer's attention called to breaches of order.
2. A member raising a point of order relating to disorderly words or conduct during debate should rise and address the presiding officer and say, "I rise to a point of order." The presiding officer should interrupt the proceedings. If a member is speaking, that person should immediately yield the floor, and the presiding officer should direct the member raising the point of order to state the point.
3. If repeated calls do not produce order, the presiding officer may call any member by name, who obstinately persists in irregularity.
4. When called to order by the presiding officer, the member must sit down until the question of order is decided. The member may not proceed without the body's permission. The presiding officer may state the offense committed, and the member may then be heard in explanation or justification, and may be required to

Sec. 122, Par. 1: Cushing's Legislative Assemblies, Secs. 1747-1749; Reed, Sec. 225.

Sec. 122, Par. 2: Cushing's Legislative Assemblies, Sec. 151; Reed, Sec. 184.

Sec. 122, Par. 3: Jefferson, Sec. XVII; Cushing, Secs. 40, 225; Reed, Sec. 221.

withdraw while the body considers whether it will take any action against the member.

5. Although in control of debate on a question of order, the presiding officer may put to a vote the question of whether a member called to order during a debate should be allowed to proceed. A member who has been called to order in debate and decided out of order loses the floor and another may be recognized. When called to order for irrelevancy, a member may proceed in order unless the question was brought to a vote and the debate found irrelevant.

Sec. 123. Use of Disorderly Words in Debate

1. No person may indulge in personalities, impugn motives of members, or use indecent or profane language.
2. When disorderly words are used by a member in debate, notice should immediately be taken of them by the member objecting, and if desiring the words to be taken down, the objecting member should repeat them exactly as that member believes them to have been spoken. If of the opinion that the words are disorderly, the presiding officer should direct that the clerk take them down. If of the opinion that the words are not disorderly, the presiding officer may delay the order to the clerk to take down the words unless there is a demand by other members, when the presiding officer should order the clerk to take them down as stated by

Sec. 122, Par. 4: Jefferson, Sec. XVII; Reed, Secs. 222, 223; Hughes, Sec. 690; Cushing, Secs. 40, 41, 228-232; Tilson, p. 47.

Sec. 122, Par. 5: Hughes, Sec. 693; Cushing, Sec. 214.

Sec. 123, Par. 1: Jefferson, Sec. XVII; Cushing's Legislative Assemblies, Sec. 1738; Reed, Sec. 222.

the objecting member, or a member may insist on the determination of the question by the house by putting the question in the form of a motion.

3. When words are taken down, they are then a part of the minutes, and when read to the offending member, that person may deny those words. When there is a dispute as to the words, before the question of disorderliness is voted upon, the presiding officer should first put the question: "Are the words written down the words spoken by the member?"

4. The question of whether the words are disorderly is then submitted to the body. If the body is satisfied that the words are not disorderly, no further proceeding is necessary. If the words are found disorderly, the member using them should be permitted to explain and apologize to the body, but if the member refuses to apologize, the presiding officer may censure the member or the body may choose to act in the case. ←

5. If the remarks of the member are decided to be improper, that member may not proceed if anyone objects without the permission of the body expressed by a vote, upon which question no debate is allowed.

6. When a member has been called to order for disorderly words, it is usual for a motion to be made to permit the member to explain and, if the explanation

Sec. 123, Par. 2: Jefferson, Sec. XVII; Hughes, Sec. 709; Cushing, Secs. 227-232; Reed, Secs. 222, 223; Sturgis, pp. 117, 118.

Sec. 123, Par. 3: Jefferson, Sec. XVII; Cushing, Sec. 229.

Sec. 123, Par. 4: Jefferson, Sec. XVII; Hughes, Sec. 709; Cushing, Secs. 229, 230.

Sec. 123, Par. 5: Cushing, Sec. 230; Sturgis, pp. 117, 118.

is satisfactory, it is in order and customary for a motion to be made and carried that the member be allowed to "proceed in order." The motion should always be that the member be permitted to "proceed in order," and not merely to "proceed."

7. The procedure here given is the established formal procedure for dealing with instances of disorderly conduct or disorderly words.

8. Improper conduct of a member can be referred to a committee for investigation and report or for action, and the notoriety that comes from discussion on the floor can be avoided.

9. When another member has spoken or any other business has taken place since the member spoke, it is too late to take notice of any disorderly words used for the purpose of censure. ←

Sec. 124. Personalities Not Permitted in Debate

See also Sec. 110, Addressing Members or Presiding Officer.

1. In debate a member must confine remarks to the question before the house, and avoid personalities.

2. A member, in referring to another member, should avoid using the member's name, rather identifying that member by district, by seat, as the member who last spoke or by describing the member in some other manner.

Sec. 123, Par. 6: Hughes, Secs. 720, 721; Reed, Sec. 223.

Sec. 123, Par. 8: Jefferson, Sec. XVII.

Sec. 123, Par. 9: Cushing, Sec. 232.

Sec. 124, Par. 1: Sturgis, pp. 117, 118; Tilson, p. 44.

Sec. 124, Par. 2: Jefferson, Sec. XVII; Cushing, Sec. 206.